



# Arctic Capability Inventory Tool User Guide

*Version 2 (International References)*

Peter Race  
Ian Becking  
Peter Avis

CAE Professional Services (Canada) Inc.

DRDC CORA CR 2011-115  
July 2011

**Defence R&D Canada**  
**Centre for Operational Research & Analysis**

Strategic Analysis Section



National  
Defence

Défense  
nationale

**Canada**



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## **Defence R&D Canada – CORA**

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July 2011

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## **Abstract**

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With the change in Northern climate over the past decade, current policy and media discussions have focused on the future of the Arctic. DRDC CORA has taken on a number of research initiatives, including the development of a Capability Inventory Tool (CIT) to identify and characterize legislation and policy on the Arctic, with a view to developing scenarios for future planning.

This report is an extension of the previous efforts to document the CIT's functions and content. Specifically, this report covers the additional search and filter functions designed to support a greater focus on United States and international references. The report outlines their use, underlying code and the content of the Arctic CIT.

## **Résumé**

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Compte tenu des changements survenus dans le climat nordique au cours des dix dernières années, la politique actuelle et les discussions dans les médias portent essentiellement sur l'avenir de l'Arctique. RDDC CARO a entrepris un certain nombre d'activités, y compris le développement d'un outil d'inventaire des capacités (OIC) pour déterminer et caractériser les lois et les politiques sur l'Arctique, en vue d'élaborer des scénarios pour la planification future.

Le présent rapport fait état de la suite des activités antérieures visant à documenter les fonctions et le contenu de l'outil d'inventaire. Plus particulièrement, le rapport fait état de fonctions supplémentaires de recherche et de filtrage conçues de façon à se concentrer davantage sur les références bibliographiques internationales et des États-Unis. Le rapport présente leur utilisation, le code sous-jacent ainsi que le contenu de l'outil d'inventaire des capacités sur l'Arctique.

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## Executive summary

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### Arctic Capability Inventory Tool User Guide: Version 2 (International References)

**Peter Race; Ian Becking; Peter Avis; DRDC CORA CR 2011-115; Defence R&D Canada – CORA; July 2011.**

**Introduction or background:** With the change in Northern climate over the past decade, current policy and media discussions have focused on the future of the Arctic. DRDC CORA has taken on a number of research projects, including the development of two Arctic Security Scenarios, a scenario development methodology, and a Capability Inventory Tool (CIT) to identify and characterize legislation and policy on the Arctic, with a view to developing scenarios for future planning. Building on past work, the CIT was extended and enhanced to capture United States (US) strategy, policy and legislation related to the North.

**Results:** The main changes to the CIT were the development of US-centric search terms and associated filters and drop-downs. The team then populated the CIT with a range of policy related to several US departments and agencies.

**Significance:** The extension of the CIT will promote greater understanding of Canadian capabilities within the context of US and international strategy. As our most important strategic partner in the North, understanding the US Arctic position and capabilities in this area is vital to ensure a coordinated, bi-national response to an event.

**Future plans:** It is hoped that the CIT will continue to evolve to meet the needs of both research scientists as well as the planning and operational community.

## Sommaire

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### Arctic Capability Inventory Tool User Guide: Version 2 (International References)

**Peter Race; Ian Becking; Peter Avis; DRDC CORA CR 2011-115; R & D pour la  
défense Canada – CARO; Juillet 2011.**

**Introduction :** Compte tenu des changements survenus dans le climat nordique au cours des dix dernières années, la politique actuelle et les discussions dans les médias portent essentiellement sur l'avenir de l'Arctique. RDDC CARO a entrepris un certain nombre de projets de recherche, y compris le développement de deux scénarios de sécurité, une méthodologie d'élaboration de scénarios et un outil d'inventaire des capacités (OIC) pour déterminer et caractériser les lois et les politiques sur l'Arctique, en vue d'élaborer des scénarios pour la planification future. En tablant sur une étude antérieure, on a élargi et amélioré l'outil d'inventaire des capacités pour saisir la stratégie, la politique et les lois des États-Unis (É.-U.) concernant le Nord.

**Résultats :** Les principaux changements apportés à l'outil d'inventaire des capacités ont été l'établissement de critères de recherche centrés sur les États-Unis ainsi que de filtres et de menus déroulants connexes. L'équipe a ensuite rempli l'outil d'inventaire des capacités avec une gamme de politiques régissant de nombreux ministères et organismes des États-Unis.

**Importance :** L'élargissement de l'outil d'inventaire des capacités favorisera une meilleure compréhension des capacités canadiennes dans le cadre de la stratégie américaine et internationale. Étant donné que les États-Unis sont notre plus important partenaire stratégique dans le Nord, la compréhension de leur position et de leurs capacités concernant l'Arctique est essentielle afin d'assurer une intervention coordonnée de nos deux pays en cas d'incident.

**Perspectives :** On espère que l'outil d'inventaire des capacités continuera d'évoluer afin de répondre aux besoins des chercheurs scientifiques ainsi que des responsables de la planification et des opérations.



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## **Acknowledgements**

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This contract report expands on the Arctic Capability Inventory Tool that was originally developed under contract with Lansdowne Technologies Inc.

This work benefitted from the efforts and interest of the original project team, notably David Mugridge. Your support and input proved invaluable.

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# 1 Introduction

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The Arctic Capability Inventory Tool (CIT) was developed through Defence Research and Development Canada (DRDC) Centre for Operational Research and Analysis (CORA) as an inventory to highlight common areas in jurisdiction and mandates. The previous work was focused predominantly on Canadian defence and Whole of Government (WoG) interagency capabilities related to the response to an event in the Arctic. The CIT was designed to support the archiving, navigation, review and analysis of references related to current arctic legislation and other references. As such, the tool has four main functions:

- Review references;
- Add or update references;
- Conduct reference analysis; and
- Print a reference report. [1]

Through the DRDC CORA Standing Offer, CAE Professional Services have extended the focus of the CIT to include United States (US) strategy, policy and legislation, as well as pertinent international and private sector references. As our most important strategic partner in the North, understanding the US Arctic position and capabilities in this area is vital to ensure a coordinated, bi-national response to an event.

This report documents the effort to extend and enhance the CIT to address a greater focus on US analysis. The content from the CIT is also included in this report (Annex A).

## 1.1 Search and Filter Enhancements

The first requirement for categorizing US legislation was the addition of US government departments and agencies. More than listing additional departments and their abbreviations, the list was extended to include nationalities to allow display of Canada or US-only references. The primary filtering happens within the “Review References” page (Figure 1), accessible from the main switchboard when the database is first opened. The default display is Canadian references. To view US entries, the radio button at the top-left of the form will alter the list on the left-hand side of the page. References not associated with Canada or the US, such as Non-Governmental Organisations (NGOs) or International Organizations (IOs), are displayed regardless of the selection.

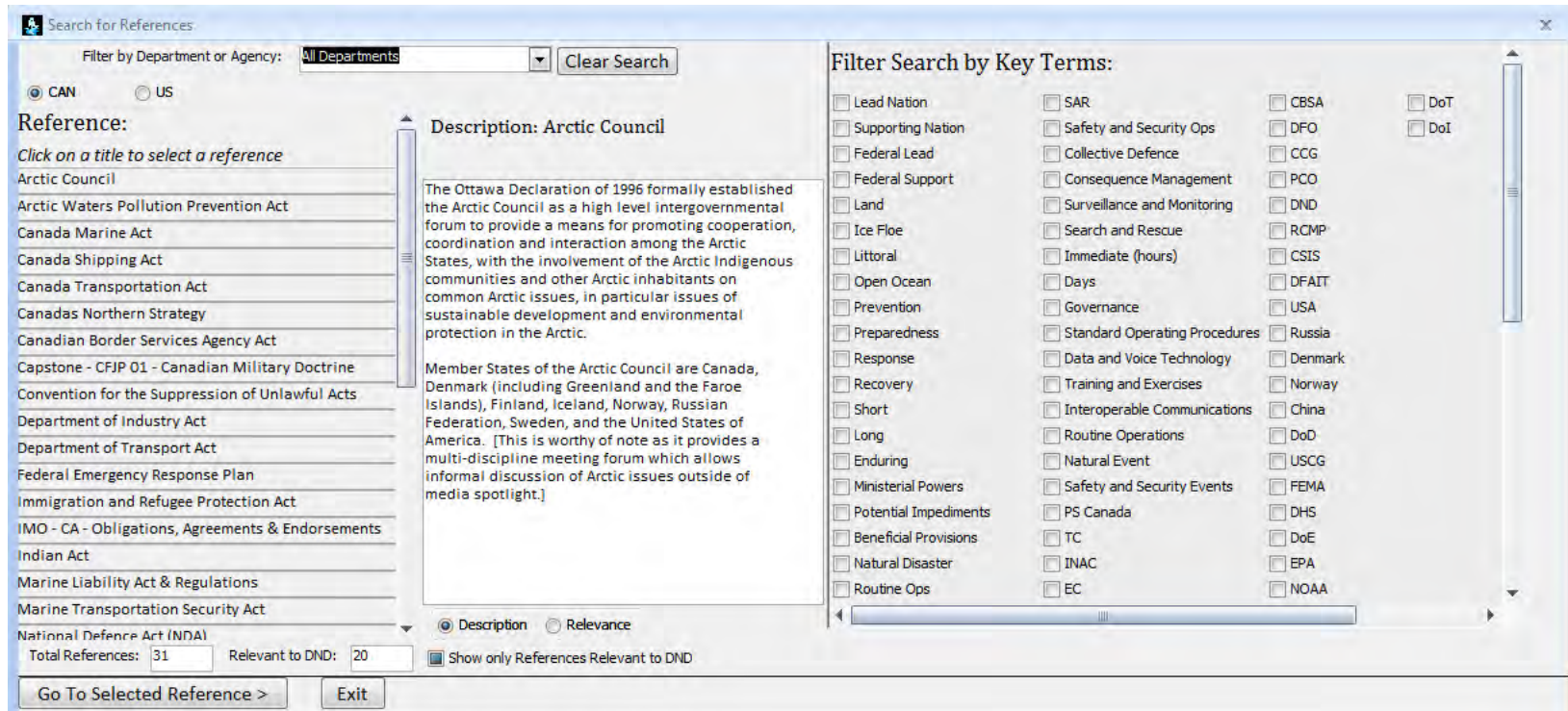
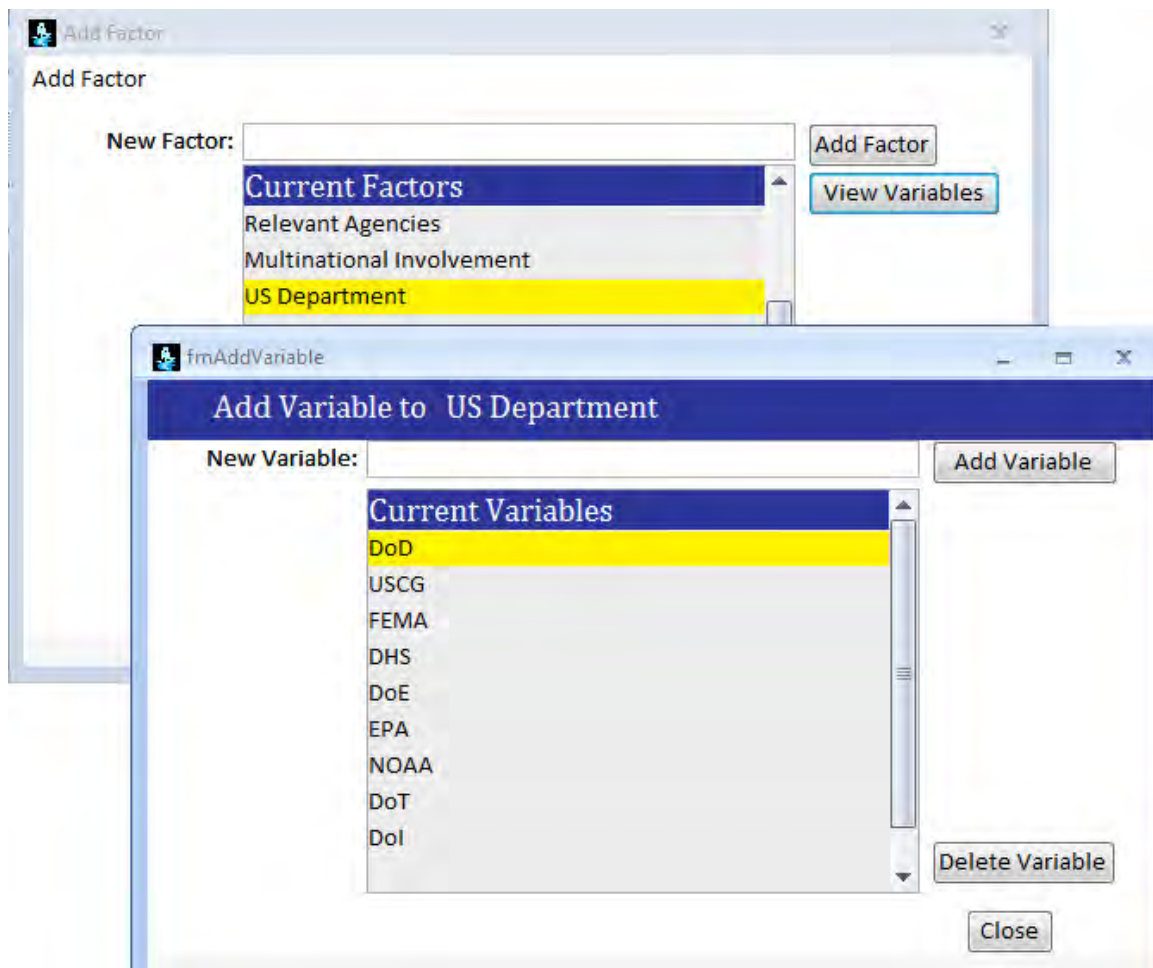


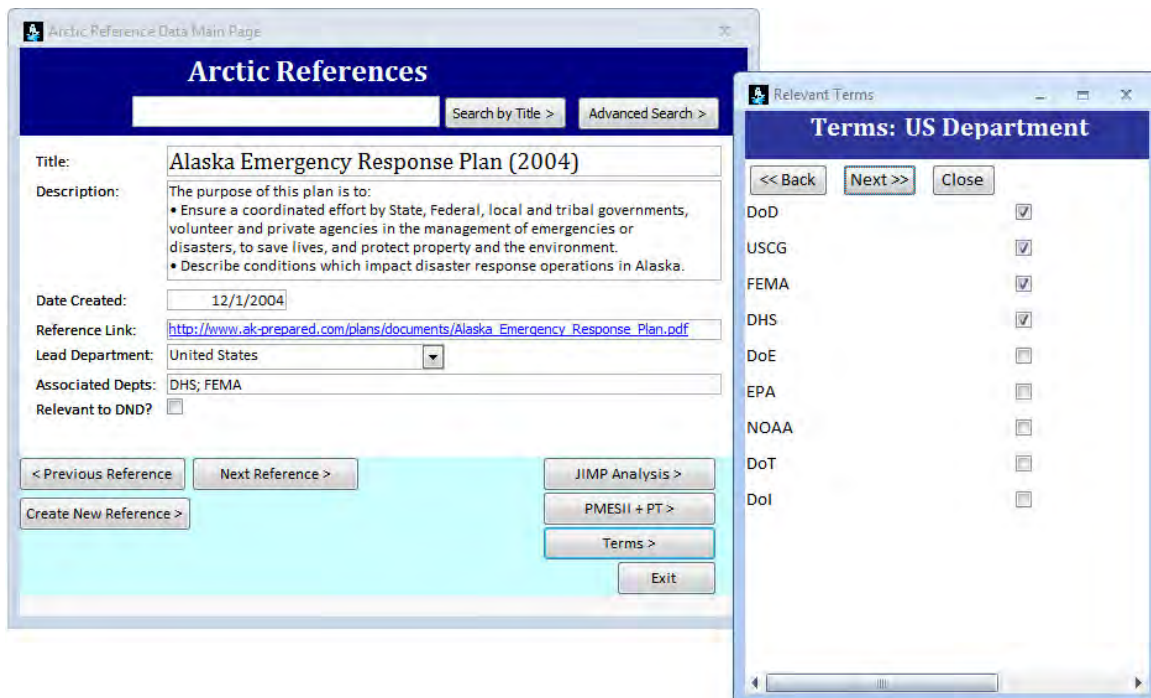
Figure 1: Review References

The drop-down filter for department or agency will change dependent on the Can/US selection. Changing to US legislation will remove Canadian government departments and agencies from this list. However, the filter by search terms on the right-hand side will remain consistent. This means users can still search US references related to Canadian departments and vice versa.

Additional search term space and search terms were added to the tool as well. The tool's initial version included the ability to add terms to the tool based on requirement. Using this function, the additional US departments were added to the search terms. The terms then appear in three places. First, the terms are shown on the "Review References" main page (Figure 1). Second, they display in the list of factors and variables in the "Add or Edit Variables" interface (Figure 2). Finally, the terms are visible on the "Add or Edit References" interface (Figure 3), allowing the user to associate supporting departments and agencies to a given reference.



*Figure 2: Add Search Terms*



*Figure 3: Add Terms to a Reference*

The group of terms for US Department will display last, as it is the last factor to be added to the tool. The terms are checked if the departments are either directly referenced in the act or legislation, or are indirectly affected by some aspect or provision.

## 2 Programming Description

---

The relevant (annotated) code for the filters in Section 1 is presented below. It is written using Visual Basic for Applications (VBA), supported by different Microsoft (MS) applications. It also makes use of Structured Query Language (SQL) for most of the core commands, making the code itself useful for most database applications. The development of the additional filters did not significantly alter much of the underlying code. The biggest changes were in the use of the radio buttons on the “Review References” page, which required the changing of a global variable related to “State”. As the radio button changes from “Can” to “US”, the global variable is changed and the page is reloaded to select only non-Canadian references.

```
Private Sub Form_Open(Cancel As Integer)
```

```
'The default for the form is to place "stateRefID", the Can/US global  
Variable to 1 (Canada). Only non-US legislation is considered for  
populating the form.
```

```
StateRefID = 1
```

```
Call Build_Form
```

```
End Sub
```

---

```
Public Sub Build_Form()
```

```
Dim SqlGov As String
```

```
Dim txtSQL_open As String
```

```
Dim Conn As ADODB.Connection
```

```
Dim govlist As String
```

```
Dim refcount, DNDCount As Integer
```

```
Dim RS1 As ADODB.Recordset
```

```
Dim RS2 As ADODB.Recordset
```

```
Dim RS As ADODB.Recordset
```

```
Set Conn = CurrentProject.Connection
```

```
Set RS = New ADODB.Recordset
```

```
Set RS2 = New ADODB.Recordset
```

'The drop-down list of departments is populated using the list of Canadian or US government departments or agencies.

```
If StateRefID = 1 Then
```

```
SqlGov = "Select DeptID, DeptName from tblDepts Where State = 'CAN'"
```

```
Else
```

```
SqlGov = "Select DeptID, DeptName from tblDepts Where State = 'US'"
```

```
End If
```

```
RS.Source = SqlGov
```

```
RS.ActiveConnection = Conn
```

```
RS.Open
```

'The department drop-down, "filter by Department: is created based on those included in the table "tblDepts."

```
cbo_GovtDept.RowSource = ""
```

```
govlist = "'All Departments';999"
```

```
cbo_GovtDept.AddItem govlist
```

```
While Not RS.EOF
```

```
govlist = RS("DeptName") & ";" & RS("DeptID")
```

```
cbo_GovtDept.AddItem govlist
```

```
RS.MoveNext
```

```
Wend
```

```
RS.Close
```

```
If StateRefID = 1 Then
```

```
txtSQL_open = "select * from tblRefs where State <> 2"
```

```
Else
```

```
txtSQL_open = "select * from tblRefs where State <> 1"
```

```
End If
```

'txtSQL\_open grabs all references within the table "tblRefs". They are initially filtered based on being non-US or non-Canadian.

```
RS2.Source = txtSQL_open
```

```
RS2.ActiveConnection = Conn
```

```
RS2.Open
```

'All references are displayed in the form in alphabetical order.

```
Form_sfrmTitleOnly.RecordSource = txtSQL_open
```

```
Form_sfrmTitleOnly.OrderByOn = True
```

```
Form_sfrmTitleOnly.OrderBy = "RefTitle"
```

```
While Not RS2.EOF
```

```
    If RS2("RefTitle") <> Empty Then
```

```
        refcount = refcount + 1
```

```
        RS2.MoveNext
```

```
    Else
```

```
        RS2.MoveNext
```

```
    End If
```

```
Wend
```

```
RS2.MoveFirst
```

```
While Not RS2.EOF
```

```
    If RS2("DND_Involve") = True Then
```

```
        DNDCount = DNDCount + 1
```

```
        RS2.MoveNext
```

```
    Else
```

```
        RS2.MoveNext
```

```
    End If
```

```
Wend
```

```
Form.txt_TotalRef.Value = refcount  
Form.txt_DNDCount.Value = DNDCount  
Call Update_Desc  
cbo_GovtDept.Value = "All Departments"  
RS2.Close  
Conn.Close  
End Sub
```



### 3 Database Overview

---

The annexes to this report contain an overview and description of various policies, response plans, strategies, legislation and regulations in Canada as well as in the US with respect to the Arctic. These references are characterized by lead department and the descriptions are the result of joint, interagency, multi-national and public (JIMP) and political, military, economic, social, information, and infrastructure (PMESII) analysis. The policy, planning, regulatory and legislative processes concerning the Arctic as a whole are not well harmonized. In particular, there are a host of departments and agencies involved. Having all of these references captured in the Arctic CIT provides a centralized “one-stop-shopping” database for scenario development and for planning activities surrounding Arctic defence and security operations. This compilation of materials stands on its own as an important resource, and is therefore useful for scanning and reference purposes. Much closer harmonization of Arctic activities could eliminate the current difficulties resulting from “stove-piping” and could also lead to useful synergies. It is hoped that some of the much needed coordination, integration and harmonization of planning and command and control of operations will be provided by the Arctic CIT, which provides a repository of information related to the Arctic for force planners and operational command staff. The introduction of the Arctic CIT alone, though, will not address the issues and challenges that need to be addressed by the force development and operational response communities. It is stressed that the Arctic CIT is a dynamic product. It is important to keep updating this product in order to ensure currency and relevance to force planners and operators, and ensure the Arctic CIT remains simple and easy to use – otherwise, it becomes just another “tool.”

## References

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- [1] Peter Race, Peter Avis, David Mugridge (2011), “Arctic Capability Inventory Tool User Guide”.

## **Annex A Database Reports**

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This annex includes both overall descriptions and detailed reports related to the references in the CIT. The reports are automatically generated from the database. The content included is also selectively drawn from the primary source documents. In cases where the analyst included additional information, the text is included in [square brackets].

The references in section A.1 include high-level descriptions for each reference. Section A.2 includes underlying provisions or relevant sections of the reference related to Joint, Interagency, Multinational and Public (JIMP) factors, as well as Political, Military, Economic, Social, Information, Infrastructure, Physical Geography and Time (PMESII + PT) aspects.<sup>1</sup>

### **A.1 Reference overviews**

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<sup>1</sup> These two concepts (JIMP, PMESII) are discussed in P. Avis, D. Mugridge, P. Race, (2011), “Arctic Scenarios Methodology”.

### **A.1.1 Overview: Federal Emergency Response Plan**

**Lead Department: Public Safety Canada**

**Description:**

The Emergency Management Act defines emergency management as the prevention and mitigation of, preparedness for, response to, and recovery from emergencies. Under the Emergency Management Act, the Minister of Public Safety is responsible for coordinating the Government of Canada's response to an emergency. The Federal Emergency Response Plan (FERP) is the Government of Canada's "all-hazards" response plan.

Public Safety Canada developed FERP in consultation with other government departments. FERP outlines the processes and mechanisms to facilitate an integrated Government of Canada response to an emergency and to eliminate the need for departments to coordinate a wider Government of Canada response. [The importance of this document to incident management in Canada is fundamental therefore it is an essential reference and doctrine publication for all DND/CF staff involved in Arctic sovereignty and security issues].

## **A.1.2 Overview: SOLAS (Safety of Life at Sea)**

**Lead Department: Transport Canada**

Description:

[SOLAS is an international maritime safety treaty. The SOLAS Convention in its successive forms is generally regarded as the most important of all international treaties concerning the safety of merchant ships. Link to SAR via <http://loki.cgc.gc.ca/cansarp/sarmanuals/nsm.pdf>]

### **A.1.3 Overview: IMO - CA - Obligations, Agreements & Endorsements**

**Lead Department: Transport Canada**

Description:

[This spread-sheet represents an up to date list of Canada's national and international commitments to the IMO to date June 10. All relevant documents will be analysed as part of CIT. Link to SAR via <http://loki.cgc.gc.ca/cansarp/sarmanuals/nsm.pdf>]

#### **A.1.4            Overview:    UNCLOS**

**Lead Department: International Organization**

**Description:**

The United Nations Convention on the Law of the Sea (UNCLOS) comprises 320 articles and nine annexes, governing all aspects of ocean space, such as delimitation, environmental control, marine scientific research, economic and commercial activities, transfer of technology and the settlement of disputes relating to ocean matters.

### **A.1.5 Overview: Proliferation Security Initiative**

**Lead Department: Department of National Defence**

**Description:**

The Proliferation Security Initiative (PSI) is a U.S.-led multinational initiative involving the interdiction of third-country ships on the high seas on the basis of carrying nuclear materials. [Of significant value in the realm of maritime interdiction and also a clear indicator as to what US policy will be in terms potential WMD].



## **A.1.6 Overview: Security & Prosperity Partnership (NAFTA)**

**Lead Department: International Organization**

### **Description:**

The stated goals of the SPP were cooperation and information sharing, improving productivity, reducing the costs of trade, enhancing the joint stewardship of the environment, facilitating agricultural trade while creating a safer and more reliable food supply, and protecting people from disease.

It was intended to assist, rather than replace, existing bilateral and trilateral institutions like the North American Free Trade Agreement (NAFTA) and to work towards the three North American countries working cooperatively in the face of common risks and economic competition from low cost, multi-modal transportation system along the International Mid-Continent Trade Corridor to improving both the trade competitiveness and quality of life in North America.

North American Facilitation of Transportation, Trade, Reduced Congestion & Security (NAFTRACS) was a three phase pilot project designed to focus on business processes and information as freight is transported from buyers to sellers. The project was intended to create a partnership between businesses and local, state, and federal governments.

### **A.1.7            Overview:    NATO Treaty**

**Lead Department:    Department of National Defence**

Description:

NATO is an intergovernmental military alliance based on the North Atlantic Treaty which was signed on 4 April 1949. The organization constitutes a system of collective defence whereby its member states agree to mutual defence in response to an attack by any external party.

## **A.1.8 Overview: The Antarctic Treaty System**

**Lead Department: Environment Canada**

### **Description:**

The Antarctic Treaty and related agreements, collectively called the Antarctic Treaty System or ATS, regulate international relations with respect to Antarctica, Earth's only continent without a native human population. For the purposes of the treaty system, Antarctica is defined as all of the land and ice shelves south of 60°S latitude. The treaty, entering into force in 1961 and eventually signed by 47 countries, sets aside Antarctica as a scientific preserve, establishes freedom of scientific investigation and bans military activity on that continent. The treaty was the first arms control agreement established during the Cold War. The Antarctic Treaty Secretariat headquarters have been located in Buenos Aires, Argentina, since September 2004. [Included to show a more formal agreement over Polar land claims and stewardship].

### **A.1.9            Overview:    Arctic Council**

**Lead Department: International Organization**

**Description:**

The Ottawa Declaration of 1996 formally established the Arctic Council as a high level intergovernmental forum to provide a means for promoting cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic Indigenous communities and other Arctic inhabitants on common Arctic issues, in particular issues of sustainable development and environmental protection in the Arctic.

Member States of the Arctic Council are Canada, Denmark (including Greenland and the Faroe Islands), Finland, Iceland, Norway, Russian Federation, Sweden, and the United States of America. [This is worthy of note as it provides a multi-discipline meeting forum which allows informal discussion of Arctic issues outside of media spotlight.]

## **A.1.10      Overview:    NORAD TREATY**

**Lead Department:    Department of National Defence**

### **Description:**

The North American Aerospace Defense Command (NORAD) is a bi-national United States and Canadian organization charged with the missions of aerospace warning and aerospace control for North America. Aerospace warning includes the monitoring of man-made objects in space, and the detection, validation, and warning of attack against North America whether by aircraft, missiles, or space vehicles, through mutual support arrangements with other commands.

Aerospace control includes ensuring air sovereignty and air defense of the airspace of Canada and the United States. [The May 2006 NORAD Agreement renewal added a maritime warning mission, which entails a shared awareness and understanding of the activities conducted in U.S. and Canadian maritime approaches, maritime areas and inland waterways. Inclusion of the maritime domain means that NORAD is now responsible for NA security across 2/3 dimensions. The MDA provision from NORAD HQ will be a response driver for DND/CF but may also provide grit in the oyster in terms of inter-action between NORAD & MSOC / GOC].

### **A.1.11 Overview: Canada Shipping Act**

**Lead Department: Transport Canada**

**Description:**

An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts. [CF can be exempt from its provisions.]

Administration: Minister of Transport (except Part 5); Minister of Fisheries and Oceans (Part 5)  
NB link to SAR via <http://loki.cgc.gc.ca/cansarp/sarmanuals/nsm.pdf>. [The CF exemption is important and provides them with certain latitude for operations in the Arctic].

## **A.1.12 Overview: NORDREG Shipping Reporting Scheme**

**Lead Department: Department of Fisheries and Oceans**

### **Description:**

Arctic Canada Traffic Zone (NORDREG) includes those waters of Ungava Bay, Hudson Bay and James Bay south of 60° N latitude and the waters to which the Arctic Waters Pollution Prevention Act apply. It excludes MacKenzie Bay and Kugmallit Bay south of 70° N latitude and east of 139°W longitude. NB link to SAR via <http://loki.cgc.gc.ca/cansarp/sarmanuals/nsm.pdf>. [Does provide a framework for interaction with shoreside authorities and CCG units].

### **A.1.13      Overview:    Canada Marine Act**

**Lead Department: Transport Canada**

**Description:**

As stated in the legislation, it is "An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and amending and repealing other Acts as a consequence." [This Act is of little consequence to Arctic Operations as none of the crown ports are inside the designated area of interest. Where the Act is applicable is the fact that vessels passing to/from these ports may well cross into the Arctic area - re Churchill].



#### **A.1.14      Overview:    Canada Transportation Act**

**Lead Department: Transport Canada**

**Description:**

An Act to continue the National Transportation Agency as the Canadian Transportation Agency, to consolidate and revise the National Transportation Act, 1987 and the Railway Act and to amend or repeal other Acts as a consequence. [Of no real consequence to DND/CF operations]

### **A.1.15      Overview:    Navigable Waters Protection Act**

**Lead Department:    Department of Fisheries and Oceans**

**Description:**

A public right of navigation exists in Canada. This right is not written anywhere; it is a Common Law right. If the waters are navigable, then the public has the right to navigate. This right can only be restricted by an Act of Parliament. The NWPA is one of these Acts. It ensures a balance between the public right of navigation and the need to build works, such as bridges, dams or docks for example, in navigable waters. The NWPA provides for the prohibition to build works in navigable waters, unless the work, its site and plans have been approved by the Minister of Transport on such terms and conditions as he deems fit. In addition, the Act provides for measures regarding removal of wreck or other obstacles to navigation and for the prohibition to throw or deposit any material in navigable waters. [Of little relevance to DND/CF wrt Arctic]

## **A.1.16      Overview:    Department of Industry Act**

**Lead Department:    Industry Canada**

### **Description:**

An Act to establish the Department of Industry and to amend and repeal certain other Acts. [Of little value to DND but it does allow the Industry Minister considerable powers to get Industry back on its feet following incident, accident or attack. Here we might see the Minister approach MND / DND to respond / assist].

### **A.1.17      Overview:    Department of Transport Act**

**Lead Department: Transport Canada**

**Description:**

An Act respecting the Department of Transport. It establishes TC and outlines Ministerial powers. [Of interest as TC are lead department for Maritime Security its provisions do affect DND's ability to respond to incidents which may prejudice national maritime security. Of note are TC's prime working groups such IDMCRWG & IDMSWG both of which will be interested in Arctic Sovereignty / Security].

### **A.1.18      Overview:    Marine Liability Act & Regulations**

**Lead Department: Transport Canada**

Description:

An Act respecting marine liability, and to validate certain by-laws and regulations. [Of little value to Arctic save the clear statement pertaining to CF liability].

### **A.1.19      Overview:    Marine Transportation Security Act**

**Lead Department: Transport Canada**

**Description:**

An Act to provide for the security of marine transportation that provides the legal basis for Canada's adoption of ISPS Code 2002. This Code is an amendment to the Safety of Life at Sea (SOLAS) Convention (1974/1988) on minimum security arrangements for ships, ports and government agencies. Having come into force in 2004, it prescribes responsibilities to governments, shipping companies, shipboard personnel, and port/facility personnel to "detect security threats and take preventative measures against security incidents affecting ships or port facilities used in international trade." [ISPS Code contains the rationale behind changes to the national maritime security level as well as the regulations regarding security onboard Canadian vessels. An understanding of the outlined processes is an essential part to any maritime security related incident. It will also outline the processes and procedures that DND/CF could expect of those other departments involved in say MSOCs].

## **A.1.20          Overview:    Oceans Act**

**Lead Department:    Department of Fisheries and Oceans**

Description:

An Act respecting the oceans of Canada

Preamble

WHEREAS Canada recognizes that the three oceans, the Arctic, the Pacific and the Atlantic, are the common heritage of all Canadians;

WHEREAS Parliament wishes to reaffirm Canada's role as a world leader in oceans and marine resource management;

WHEREAS Parliament wishes to affirm in Canadian domestic law Canada's sovereign rights, jurisdiction and responsibilities in the exclusive economic zone of Canada;

WHEREAS Canada promotes the understanding of oceans, ocean processes, marine resources and marine ecosystems to foster the sustainable development of the oceans and their resources;

WHEREAS Canada holds that conservation, based on an ecosystem approach, is of fundamental importance to maintaining biological diversity and productivity in the marine environment;

WHEREAS Canada promotes the wide application of the precautionary approach to the conservation, management and exploitation of marine resources in order to protect these resources and preserve the marine environment;

WHEREAS Canada recognizes that the oceans and their resources offer significant opportunities for economic diversification and the generation of wealth for the benefit of all Canadians, and in particular for coastal communities;

WHEREAS Canada promotes the integrated management of oceans and marine resources;

AND WHEREAS the Minister of Fisheries and Oceans, in collaboration with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, is encouraging the development and implementation of a national strategy for the management of estuarine, coastal and marine ecosystems.

[NB link to SAR via <http://loki.cgc.gc.ca/cansarp/sarmanuals/nsm.pdf>.]

### **A.1.21      Overview:    Arctic Waters Pollution Prevention Act**

**Lead Department:    Department of Fisheries and Oceans**

**Description:**

An Act to prevent pollution of areas of the arctic waters adjacent to the mainland and islands of the Canadian arctic. [Demonstrates the level of interest which Arctic Environmental protection is held and potential enforcement mission for the federal fleet.]



## **A.1.22      Overview:    National SAR Manual**

**Lead Department:    Department of National Defence**

### **Description:**

In 1986, the Government of Canada directed the establishment of a National Search and Rescue Program (NSP). The NSP is a co-operative effort by federal, provincial and municipal governments along with other search and rescue (SAR) organizations. The objective of the NSP is to save lives by enhancing SAR prevention and provide effective, affordable SAR services in Canada's SAR areas of responsibility. (i.e. a service which comprises the search for, and provision of aid to, persons, ships or other craft which are, or are feared to be, in distress or imminent danger).

[Given the severity of consequences to any Arctic SAR and the increased likelihood of an incident this document is a well written account of how Canada does its business wrt SAR].

### **A.1.23      Overview:    Indian Act**

**Lead Department:    Indian and Northern Affairs Canada**

**Description:**

Canadian statute that concerns registered Indians/First Nations, their bands, and the system of Indian reserves. While para 4 (1) indicates the Indian Act does not cover Inuit, the Supreme Court ruled in 1939 that the federal government's power to make laws affecting Indians extend to the Inuit.

While enacted in 1954, there have been several changes to the Act. Its primary importance in understanding Arctic issues is its application to governance on reserves.

## **A.1.24      Overview:    Canada's Northern Strategy**

**Lead Department: Indian and Northern Affairs Canada**

Description:

From the document:

"Canada's Northern Strategy focuses on four priority areas: exercising our Arctic sovereignty; promoting social and economic development; protecting the North's environmental heritage; and improving and devolving northern governance, so that Northerners have a greater say in their own destiny." [This strategy is a policy prism for any study of the Arctic and readily identifies Canada's priorities in the Arctic].

## **A.1.25      Overview:    Capstone - CFJP 01 - Canadian Military Doctrine**

**Lead Department:    Department of National Defence**

### **Description:**

Canadian Military Doctrine—outlines the strategic military doctrine of the Canadian Forces (CF) and the Canadian approach to operations. The CF doctrine is based upon a long and proud history of service to Canada and enduring principles that have been developed and tested over time. Combined with a rigorous analysis of the emerging concepts and trends that will shape the future security environment, Canadian Military Doctrine provides the military strategic guidance essential for the development and the employment of the full range of CF capabilities across the spectrum of operations in response to government direction.

0102. Canadian Military Doctrine describes the relationship between the CF and the Government of Canada, more specifically:

- a. national security and strategic policy applicable to the CF;
- b. the constitutional, political, legal, and administrative context within which Canada may use military power;
- c. the application of military power within Canada and the North American continent for domestic purposes;
- d. the manner in which the CF is organized and prepared to conduct operations; and
- e. the nature of conflict and evolving geo-political issues that influence Canadian international policy. [This document needs to be read and understood in conjunction with National Defence Act as it forms an interpretation of the Canadian Forces role within and outside Canada. As such it illustrates to the objective researcher how missions may be interpreted by a military organisation and why this interpretation may be different from civilian organisations].

## **A.1.26      Overview:    National Security Policy (NSP) (2004)**

**Lead Department:   Public Safety Canada**

### **Description:**

With a foreword by the Prime Minister and published by Privy Council Office (PCO) in April 2004, the NSP (Securing an Open Society) is NOT legislation and does NOT convey Ministerial Power, Authority, or Departmental Mandates. It is a "strategic framework and action plan" which is designed to ensure that Canada is prepared for and can respond to current and future threats. [As a policy document it overarches other more tactically orientated publications and should be read in consultation with Northern Strategy to examine the WOG coherence that exists across discipline within the Government of Canada].

## **A.1.27      Overview:    US Navy Arctic Roadmap**

**Lead Department: Department of Defense**

### **Description:**

The US Navy Arctic Roadmap provides a chronological list of Navy action items, objectives, and desired effects for the Arctic region from FY 10-14. Focus areas include:

- Strategy, policy, missions, and plans
- Operations and training
- Investments in weapons, platforms. Sensors, command, control, communications, computers, intelligence, surveillance. And reconnaissance(C4ISR), installations. And facilities
- Strategic communications and outreach
- Environmental assessment and prediction

**A.1.28      Overview:    NATIONAL SECURITY PRESIDENTIAL DIRECTIVE  
66**

**Lead Department:    Department of Homeland Security**

Description:

This directive establishes the policy of the United States with respect to the Arctic region and directs related implementation actions.

### **A.1.29      Overview:    US Quadrennial Defense Review Report Feb 2010**

**Lead Department: Department of Defense**

**Description:**

The 2010 Quadrennial Defense Review advances two clear objectives. First, to further rebalance the capabilities of America's Armed Forces to prevail in today's wars, while building the capabilities needed to deal with future threats. Second, to further reform the Department's institutions and processes to better support the urgent needs of the warfighter. In order to help defend and advance our national interests, the Department of Defense balances resources and risk among four priority objectives: prevail in today's wars, prevent and deter conflict, prepare to defeat adversaries and succeed in a wide range of contingencies.



### **A.1.30      Overview:    US National Security Strategy**

**Lead Department:   Department of Homeland Security**

**Description:**

Our national security strategy is, therefore, focused on renewing American leadership so that we can more effectively advance our interests in the 21st century. We will do so by building upon the sources of our strength at home, while shaping an international order that can meet the challenges of our time. This strategy recognizes the fundamental connection between our national security, our national competitiveness, resilience, and moral example. And it reaffirms America's commitment to pursue our interests through an international system in which all nations have certain rights and responsibilities.

### **A.1.31      Overview:    Arctic Research and Policy Act of 1984 (1990)**

**Lead Department:   Arctic Research Commission**

**Description:**

An Act to provide for a comprehensive national policy dealing with national research needs and objectives in the Arctic, for a National Critical Materials Council, for development of a continuing and comprehensive national materials policy, for programs necessary to carry out that policy, including Federal programs of advanced materials research and technology, and for innovation in basic materials industries, and for other purposes.

### **A.1.32      Overview:    Outer Continental Shelf Lands Act 1953 (2000)**

**Lead Department:   Department of the Interior**

**Description:**

The OCS Lands Act established Federal jurisdiction over submerged lands on the OCS seaward of the State boundaries. Under the OCS Lands Act, the U.S. Department of the Interior (USDOI) is required to manage the leasing, exploration, development, and production of oil and gas resources on the Federal OCS. The OCS Lands Act sets forth a number of purposes with respect to managing OCS resources. Those purposes generally pertain to recognizing national energy needs and related circumstances and addressing them by developing OCS oil and gas resources in a safe and efficient manner that provides for environmental protection, fair and equitable returns to the public, State and local participation in policy and planning decisions, and resolution of conflicts related to other ocean and coastal resources and uses.

### **A.1.33          Overview:    Stafford Disaster Relief Emergency Assist Act**

**Lead Department:   Department of Homeland Security**

Description:

PURPOSE- The purpose of this title is to establish a national disaster hazard mitigation program--

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of pre-disaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

### **A.1.34      Overview:   Coastal Zone Management Act**

**Lead Department:   National Oceanographic Atmospheric Admin**

**Description:**

Legislation to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone. Regulations issued under the CMZA (16 USC 1451 et seq.) establish requirements for state coastal management programs and grant application

### **A.1.35      Overview:    Oil Pollution Act**

**Lead Department: Environmental Protection Agency**

**Description:**

The Oil Pollution Act (OPA) of 1990 streamlined and strengthened EPA's ability to prevent and respond to catastrophic oil spills. A trust fund financed by a tax on oil is available to clean up spills when the responsible party is incapable or unwilling to do so. The OPA requires oil storage facilities and vessels to submit to the Federal government plans detailing how they will respond to large discharges. EPA has published regulations for aboveground storage facilities; the Coast Guard has done so for oil tankers. The OPA also requires the development of Area Contingency Plans to prepare and plan for oil spill response on a regional scale.

### **A.1.36      Overview:    US National Response Framework**

**Lead Department:   Department of Homeland Security**

**Description:**

The National Response Framework (NRF) presents the guiding principles that enable all response partners to prepare for and provide a unified national response to disasters and emergencies. It establishes a comprehensive, national, all-hazards approach to domestic incident response. The National Response Plan was replaced by the National Response Framework effective March 22, 2008.

### **A.1.37      Overview:    US National Search and Rescue Plan (2007)**

**Lead Department: US Coast Guard Service**

**Description:**

This Plan continues, by interagency agreement, the effective use of all available resources in all types of civil SAR missions to enable the United States to satisfy its humanitarian, and national and international legal obligations. The Plan is used for coordinating search and rescue (SAR) services to meet domestic needs and international commitments. The National Search and Rescue Plan-1999 is superseded by this Plan.



**A.1.38      Overview:    US Maritime Transportation Security Act (2002)**

**Lead Department:   Department of Transport**

Description:

To amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

### **A.1.39      Overview:    U.S. Coast Guard Strategy**

**Lead Department: US Coast Guard Service**

**Description:**

The U.S. Coast Guard Strategy for Maritime Safety, Security, and Stewardship describes how the U.S. Coast Guard will work to safeguard the nation against all threats, hazards, and challenges in the maritime domain, today and in the future. It discusses the Coast Guard's enduring roles, future challenges and threats, and a systems approach for improving maritime governance. From these foundations, the Strategy presents strategic priorities that build on the Coast Guard's strengths and best focus its capabilities to serve the Department of Homeland Security and the nation.

This Strategy is shaped by the laws, executive orders, international conventions and agreements, and other guidance that determine U.S. maritime policy. It takes significant shape from the National Strategy for Maritime Security (NSMS), the President's Ocean Action Plan (OAP), National and Homeland Security Presidential Directives (NSPD/HSPD), and the Department of Homeland Security goals and priorities. This Strategy is also the product of the Coast Guard's Evergreen Project.

Overview: Alaska Emergency Response Plan (2004)

**Lead Department: United States**

Description:

The purpose of this plan is to:

- Ensure a coordinated effort by State, Federal, local and tribal governments, volunteer and private agencies in the management of emergencies or disasters, to save lives, and protect property and the environment.
- Describe conditions which impact disaster response operations in Alaska.
- Describe hazards which threaten the people, property and resources of Alaska.
- Predetermine disaster and terrorism response related actions to be taken by State, Federal, local, tribal, private sector and volunteer agencies.
- Assign emergency management tasks to State, Federal, local, tribal, volunteer, and private agencies. (Please note that this document does not discuss operational procedures; those documents are developed independently by each tasked agency using the general guidance herein).

## **A.1.40      Overview:    Immigration and Refugee Protection Act**

**Lead Department:    Canada Border Safety Agency**

Description:

An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger.

From Parliament of Canada:

"Bill C-11 would repeal and replace the current Immigration Act.(1) The bill thus covers all the non-administrative aspects of immigration:

- the selection of immigrants;
- who is admissible and inadmissible to Canada;
- enforcement of the law;
- detention and release;
- appeals;
- refugee protection;
- the Immigration and Refugee Board;
- immigration offences; and
- numerous other technical matters."

[[http://www2.parl.gc.ca/Sites/LOP/LegislativeSummaries/Bills\\_ls.asp?lang=E&Parl=37&Ses=1&ls=C11&source=Bills\\_House\\_Government](http://www2.parl.gc.ca/Sites/LOP/LegislativeSummaries/Bills_ls.asp?lang=E&Parl=37&Ses=1&ls=C11&source=Bills_House_Government)]

#### **A.1.41      Overview:    Shell Oil Beaufort Sea Contingency Plan**

**Lead Department: Other**

**Description:**

This Oil Discharge Prevention and Contingency Plan (C-Plan) has been developed for Shell Offshore Inc. (Shell), and is one important element of Shell's overall commitment to conduct its operations in a safe and environmentally sensitive manner. This C-Plan is specifically designed to aid Shell in its efforts to prevent spills and, in the unlikely event of a spill, mitigate the impacts of that spill on the marine environment.

## **A.2 Reference Descriptions**

## **A.2.1 Overview: Federal Emergency Response Plan**

**Lead Department: Public Safety Canada**

### **Joint:**

DND - 1.9 Primary, Supporting and Coordinating Departments

The scope of an emergency will determine the role of government departments. Public Safety Canada provides expertise in operations, situational awareness, risk assessment, planning, logistics, and finance and administration. Other government departments provide expertise as required.

An explanation of the roles of the primary, supporting and coordinating departments follows below.

#### **1.9.1 Primary Department**

A primary department is a federal department with a mandate related to a key element of an emergency. Several federal departments may be designated as primary departments, depending on the nature of the emergency.

#### **1.9.2 Supporting Department**

A supporting department is a federal department that provides general or specialized assistance to a primary department in response to an emergency.

#### **1.10 Departmental Roles**

Federal departments may have multiple roles: in the governance structure; at the regional level; through the Federal Coordination Group; in a response role through the emergency support functions; and in augmenting the Government Operations Centre, through federal departmental representatives.

### **Interagency:**

The Federal Emergency Response Management System (FERMS) is a comprehensive management system which integrates the Government of Canada's response to emergencies. It is based on the tenets of the Incident Command System and the Treasury Board Secretariat's Integrated Risk Management Framework.

This system provides the governance structure and the operational facility (the Government Operations Centre) to respond to emergencies. The Operations Directorate provides support as well as trained and experienced managers and staff. FERMS can scale operations to the scope required by an emergency with the support and emergency response expertise of other government departments. It also incorporates the federal-regional component by linking and coordinating federal-regional emergency response actions with those of the provinces/territories.

FERMS provides the mechanisms and processes to coordinate the structures, the capabilities, and the resources of government institutions, non-governmental organizations and the private sector into an integrated emergency response for all hazards. Although individual threats may be addressed in event-specific or departmental plans, FERMS is the framework that guides an integrated Government of Canada response.

FERMS includes a coordinated system of public communications. Trained and experienced managers and staff from the Communications Directorate of Public Safety Canada provide support.

The level of coordination is scaled to the scope of the emergency. Other national and regional government departments also provide support.

**Multinational:**

FERP applies to domestic emergencies and to international emergencies with a domestic impact.

**Public:**

Canadians expect that the federal government will cooperate with provinces/territories, non-governmental organizations, and the private sector to respond to emergencies that may escalate from the local and/or provincial/territorial level to the national level.

**1.6 Strategic Objectives**

Save lives, reduce personal injuries, and prevent illnesses;

Protect property and the environment;

Maintain law, order, and national security;

Maintain public confidence; and

Reduce economic and social losses.



## **Political:**

### **1.7 Integrated Government of Canada Response**

During an integrated Government of Canada response, all involved departments assist in determining overall objectives, contribute to joint plans, and maximize the use of all available resources.

An integrated Government of Canada response is required when:

- A province/territory requests federal support to deal with an emergency;
- An emergency affects multiple jurisdictions and/or departments, and it requires a coordinated response;
- An emergency directly involves federal assets, services, employees, statutory authority or responsibilities, or it affects confidence in government; and
- An emergency affects other aspects of the national interest.

### **2.3 Governance Structure**

Governance refers to the management structures and processes that are in place during non-emergency and emergency circumstances. Under FERP, the Government of Canada will engage existing governance structures to the greatest extent possible in response to an emergency. The nature and scope of the emergency will determine the government's response.

The following section describes the federal governance structure for an integrated Government of Canada response.

#### **2.3.1 Committee of Cabinet**

The Committee of Cabinet provides the day-to-day coordination of the government's agenda, including issues management, legislation and house planning, and communications.

During an emergency, members of the Committee will receive summaries of decision briefs and other advice from members of the Deputy Ministers' Committee.

#### **2.3.2 Deputy Ministers' Committee**

During non-emergency (day-to-day) operations, the Committee provides a forum to address public safety, national security, and intelligence issues. During an emergency, the Committee coordinates the Government of Canada's response and advises Ministers. The nature of the emergency will determine the committee's membership.

#### **2.3.3 Federal Coordinating Officer**

The Deputy Minister, Public Safety (or delegate) serves as the Federal Coordinating Officer (FCO) on behalf of the Minister of Public Safety. The FCO is responsible for the overall coordination of a federal emergency response.

The FCO supports the Minister's leadership role pursuant to the Emergency Management Act. The FCO may provide policy direction to the Assistant Deputy Ministers' Emergency Management Committee (ADM-EMC). The FCO may also approve options and recommendations by the ADM-EMC for consideration by the Deputy Ministers' Committee. The FCO provides the leadership role within the Deputy Ministers' Committee as the senior official responsible for ensuring a coordinated federal response.

#### 2.3.4 Assistant Deputy Ministers' Emergency Management Committee

The Associate Assistant Deputy Minister, Emergency Management and National Security (EMNS) and the Assistant Secretary to Cabinet for the Privy Council Office co-chair the Assistant Deputy Ministers' Emergency Management Committee (ADM-EMC).

During non-emergency (day-to-day) operations, the Committee provides a forum to discuss the Government of Canada's emergency management processes and readiness.

During an emergency, the Committee:

- Supports the Federal Coordinating Officer as required;
- Provides direction to officials within the Government Operations Centre through the Director General, Operations Directorate;
- Approves the content and substance of Deputy Minister briefings; and
- Coordinates and recommends response options to the Deputy Ministers' Committee or to the Committee of Cabinet.

During an emergency, this Committee will meet at the request of either co-chair based on input from the Deputy Ministers' Committee and/or the other members of the Assistant Deputy Ministers' Emergency Management Committee. The government may create sub-committees with a limited membership to address specific elements of an emergency.

#### **Military:**

DND will respond in an appropriate manner as requested by PSC or OGD responsible for particular ESF.

#### **Economic:**

The Finance and Administration Function includes:

- Providing appropriate access controls, security staff, and equipment (e.g., visitors' passes, sign-in sheets);
- Providing office equipment and supplies, informatics, clerical systems, and photocopying services;
- Providing mail room and messenger services;
- Purchasing local supplies;

Maintaining kitchens/eating areas; and

Maintaining financial records and accounts directly related to operations performed by the Government Operations Centre.

FERP is aligned with other GC Economic Policy drivers like Dept of Industry Act & TC's MCR

Financial management, as it applies to FERP, follows the established Treasury Board guidelines on expenditures in emergency situations. Under these guidelines, Ministers are accountable to the central financial agencies and to Parliament for the emergency-related expenditures of their respective departments, crown corporations, or other government institutions. Departmental responsibilities include, but are not limited to, the following:

Each department must track, document, and compile the costs related to emergency response and recovery.

Each department must work within the Government of Canada procurement system to procure additional resources.

Funding for assistance is in accordance with departmental policies on the provision of services. Departments are responsible for any incremental costs associated with enhancing their preparedness levels and for costs associated with providing resources to Provinces/Territories. Each department that provides resources must review with Treasury Board any additional or alternative sources of funding for assistance in excess of the department's normal capacity. Departments that operate on a cost recovery basis for services provided to Provinces/Territories and/or other departments must identify the costs and terms and conditions for the provision of services in advance.

The costs of support actions in each department will be funded on an interim basis by reallocations from, or commitments against, available program resources. Public Works and Government Services Canada (PWGSC) will not fund such expenditures on an interim basis. Each department must provide the necessary funds to pay the costs of their support actions, when payment is due.

Each department should be prepared to initiate separate expenditure records and, if necessary, control system modifications, immediately upon receipt of information that an emergency has occurred and that it will likely be involved. These records must be supported by detailed operational logs, and they must be co-ordinated between headquarters and regions.

Departments may seek to recover these extraordinary costs through the process described in the Treasury Board guidelines referenced above.

## **Social:**

### **2.7 Federal-Regional Component**

When a primary department responds to an emergency, provincial/territorial representatives must deal directly with the appropriate regional federal department representatives. However, provincial/territorial representatives must also share pertinent information with the Government Operations Centre in order to maintain situational awareness.

When an emergency requires an integrated Government of Canada response, the Public Safety Canada Regional Director coordinates the response on behalf of the federal departments in the

region. This is also known as the “single window” concept. It is intended to facilitate interdepartmental and intergovernmental coordination, without unduly restricting operations. This concept does not exclude or discourage interactions between supporting federal departments and supported provincial/territorial ministries. However, the supporting departments and the Regional Director must keep each other informed of these activities.

Provincial/territorial representatives must request federal assistance from the Public Safety Canada Regional Director. (See Annex D for details.) The Director General of Operations Directorate provides the Regional Director with policy and operational guidance.

Provincial/territorial representatives must request federal assistance from the Public Safety Canada Regional Director. (See Annex D for details.) The Director General of Operations Directorate provides the Regional Director with policy and operational guidance.

#### 2.7.1 Regional Organization

The roles and responsibilities of the emergency response organizations follow below.

#### 2.7.2 Regional Roles and Responsibilities

##### Public Safety Canada Regional Offices

Public Safety Canada regional offices, led by Regional Directors, collaborate with the provinces/territories. They provide day-to-day coordination of regional emergency management activities. The Regional Director co-chairs the local Federal Coordination Group and the Federal Coordination Steering Committee.

##### Federal Coordination Steering Committee

The Federal Coordination Steering Committee is a steering committee composed of senior regional departmental representatives. The Public Safety Canada Regional Director co-chairs this committee. The Committee provides direction on emergency management planning and preparedness activities. It also oversees the coordination of the federal regional response.

##### Federal Coordination Group

The Federal Coordination Group is a standing committee composed of emergency management managers from federal departments in the region. The group reports to the Federal coordination Steering Committee. The Public Safety Canada Regional Director co-chairs this group. During an emergency, the Federal Coordination Group provides emergency management planning and advice. It also provides and/or manages the flow of information and requests for federal assistance within the region.

##### Federal Liaison Officer

A federal liaison officer representing the Public Safety Canada Regional Director is located in the provincial/territorial emergency operations centre and is the link to the Government Operations Centre and the regional Federal Coordination Centre. The federal liaison officer manages the flow of information and requests for assistance from the provincial/territorial emergency operations centre. The federal liaison officer also coordinates the activities between the

operations centers.

#### Federal Public Communications Coordination Group

Based upon the direction from Public Safety Canada's Communications, Ministers' offices, and the Privy Council Office, this group coordinates the government's communications response to the public, to the media and to affected stakeholders. It also collaborates with the provinces/territories. The group is composed of federal public communicators from affected federal departments. The group gathers information for public communications products; advises senior officials on the public environment; supports public communications activities on the ground; and develops public communications activities and products for their respective departments.

### **Information:**

#### Notification

The Notification provides initial information on an emergency, the source of reporting, current response actions, initial risk assessment, and the public communications lead. It may include pre-scripted initial media lines and geomatics products. Federal and provincial/territorial governments and the private sector may receive a Notification, depending on the nature of the emergency.

#### Situation Report

The Situation Report provides current information about the emergency; the immediate and future response actions; an analysis of the impact of the emergency; and issues identification. The Situational Awareness Function issues a Situation Report for each operational period (or as directed by the Director General Operations Directorate). Federal and provincial/territorial governments and the private sector may receive a Situation Report, depending upon the nature of the emergency.

### **Infrastructure:**

#### 2.5 Government Operations Centre

Public Safety Canada houses the Government Operations Centre (GOC). It is the principal location from which subject matter experts and liaison officers from government departments, non-governmental organizations, and the private sector perform the primary functions related to FERMS.

Department specific operations centres support their departmental roles and mandates and contribute to the integrated Government of Canada response through the GOC. The responsible department's facilities manage emergency support functions, which are integrated with the GOC's efforts. Public Safety Canada watch officers and senior watch officers staff the GOC during non-emergency (day-to-day) operations.

## **Physical Geography:**

### **1.5 Canada's Risk Environment**

Canada's risk environment includes the traditional spectrum of natural and human-induced hazards: wildland and urban interface fires, floods, oil spills, the release of hazardous materials, transportation accidents, earthquakes, hurricanes, tornadoes, disease outbreaks or pandemics, major power outages, cyber incidents, and terrorism.

Past emergencies in Canada demonstrate the challenges inherent in protecting the lives, critical infrastructure, property, environment, economy, and national security of Canada, its citizens, its allies, and the international community. Examples include: the ice storm in 1998; the terrorist attacks on September 11, 2001; the Severe Acute Respiratory Syndrome (SARS) outbreak in 2003; Hurricane Juan in 2003; the "Blaster" worm cyber incident in 2003; and the avian influenza outbreak in 2004.

Canadians expect that the federal government will cooperate with provinces/territories, non-governmental organizations, and the private sector to respond to emergencies that may escalate

## **Time:**

### **1.8 Relationship to Event-Specific and Departmental Plans**

Timeliness of GC drives the following:

FERP is the all-hazards plan for a coordinated federal response to emergencies.

In most cases, departments manage emergencies with event-specific or departmental plans based on their own authorities.

## **A.2.2 Overview: SOLAS (Safety of Life at Sea)**

**Lead Department:** Transport Canada

### **Joint:**

SAR is provided by CF as a joint capability across all 3 military services and centrally co-ordinated by DND.

### **Interagency:**

Canada promotes a interagency approach to SAR that includes CCG & TC (Safety & Security Directorate).

### **Multinational:**

SOLAS (1974) is by definition an international treaty which outlines Canada's responsibilities for multi-national SAR responsibilities.

### **Public:**

Public role within SAR is limited to Shipping Operators' responsibilities under SOLAS and the enforcement of international standards

### **Political:**

International Treaty which Canada has supported since its inception and administers a large Trans-Atlantic Area of SAR C2.

### **Military:**

SAR transcends all 3 military services and is a core capability of Canada Command and Key mission for subordinate regional commanders.

### **Economic:**

Costs borne by GC

### **Social:**

N/A

### **Information:**

SAR represents a rare example of apolitical international co-operation and information exchange. Current SAR arrangements score well against Inter-operability Continuum (IC)(DHS 1ST Responder Community based).

### **Infrastructure:**

Existing infra-structure provides national-wide and international capacity/capability.

### **Physical Geography:**

Canada's EEZ = 3.5% of world's total surface area, so SAR Region is huge and represents a considerable surveillance challenge.

### **Time:**

N/A

### **A.2.3 Overview: IMO - CA - Obligations, Agreements & Endorsements**

**Lead Department: Transport Canada**

#### **Joint:**

[DND/CF would respond if tasked to enforce SUA. As to whether they would be a launch pad for RCMP or would orchestrate a SOFCOM mission would be event specific. CFDS highlights the prime role of CF/DND to protect Canada and Canadians.]

#### **Interagency:**

Canada has achieved far more in recognising the real nature and complexity of maritime security than many other western states. In the absence of a US or Australian document which provides the under-pinning philosophy behind national maritime security, Transport Canada has become the lead government department for co-ordinating government activity. Their understanding of the issue is concisely recorded within Kinney's recent contribution to Canadian Naval Review. "Marine Security in Canada is a complex, multi-faceted activity that has taken a renewed sense of purpose in recent years to address new threats in an evolving security environment." It is clear Canada has responded well to the stimulus of 9/11 by initiating a number of measures to ensure compliance with ISPS Code (2002) and has established a cross government working group to co-ordinate federal marine security issues. Here is the defensive architecture being put in place to address many of the likely security issues which may affect the Canadian homeland but there others that need to be addressed.

#### **Multinational:**

Canada's lack of support for 2005 amendments does show some differences of opinion with the majority of SUA supporters, but being signatory on original document shows tacit support for enduring principles of agreement.

#### **Public:**

Canada's approach to Maritime Security is characterised by an overarching strategy, underpinned by guidelines and principles (Security & Prosperity Partnership) that foster a collective and coherent response to potential incidents and accidents. Future developments in Maritime Security should aim to be integral to established Business Continuity Principles (BCP) and federally endorsed principles of Emergency Management System (EMS), as documented by the Federal Emergency Response Plan (FERP) & Marine Emergency Response Protocol (MERP). MCR is part of the foundation which supports TC's lead role for the policy and regulatory aspects of national marine security. The required co-ordination and collaboration sees a number of partnerships being forged within the public and private sectors. Maritime Security planning - at all levels - requires interoperability, interagency alignment and collaboration of all levels of government and industry.



## **A.2.4 Overview: UNCLOS**

**Lead Department:** International Organization

**Joint:**

N/A

**Interagency:**

Due to the nature of the convention and its cross government impact, Canadian ratification of the treaty means it impacts across a number of government departments and disciplines.

**Multinational:**

Opened for signature — December 10, 1982.

Entered into force — November 16, 1994.

The convention is ratified by 160 countries, Niue, Cook Islands and the European Union. Countries that have signed, but not yet ratified — (19) Afghanistan, Bhutan, Burundi, Cambodia, Central African Republic, Colombia, El Salvador, Ethiopia, Iran, Democratic People's Republic of Korea, Libya, Liechtenstein, Malawi, Niger, Rwanda, Swaziland, Thailand, United Arab Emirates, United States.

Countries that have not signed — (20) Andorra, Azerbaijan, Ecuador, Eritrea, Israel, Kazakhstan, Kyrgyzstan, Peru, San Marino, Syria, Tajikistan, Timor-Leste, Turkey, Turkmenistan, Uzbekistan, Venezuela.

Non-Voting Member State - Vatican City

Non-State Observer - Palestine Liberation Organization

Non-Members and/or Non-Observers - Taiwan and Sahrawi Republic.

**Public:**

Widespread public impact outside of government and the agreed international limits - limit economic exploitation / research etc

**Political:**

The United Nations Convention on the Law of the Sea (UNCLOS), also called the Law of the Sea Convention or the Law of the Sea treaty, is the international agreement that resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place from 1973 through 1982. The Law of the Sea Convention defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. The Convention, concluded in 1982, replaced four 1958 treaties. UNCLOS came into force in 1994, a year after Guyana became the 60th state to sign the treaty.[1] To date, 158 countries and the European Community have joined in the Convention. However, it is uncertain as to what extent the Convention codifies customary international law.

**Military:**

Canada's ratification of UNCLOS establishes the national limit to EEZ and territorial claim to Arctic.

**Economic:**

The convention introduced a number of provisions. The most significant issues covered were setting limits, navigation, archipelagic status and transit regimes, exclusive economic zones (EEZs), continental shelf jurisdiction, deep seabed mining, the exploitation regime, protection of the marine environment, scientific research, and settlement of disputes

**Social:**

N/A

**Information:**

N/A

**Infrastructure:**

N/A

**Physical Geography:**

Establishes the concepts by which the limits of Canadian claims over Territorial Waters etc are made - NB with regard to policy prisms established within CFDS - Canada, NA & International stage.

**Time:**

Establishes 10 year limit to chart continental shelf, so Canadian claim has to be established by

## **A.2.5 Overview: Proliferation Security Initiative**

**Lead Department:** Department of National Defence

### **Joint:**

PSI operations are by their very definition joint operations. Within Arctic scenario MDA & Actionable intelligence are key to success of operations.

### **Interagency:**

Canada is following US lead and playing an active role in the success of the PSI, by leveraging related counter-proliferation efforts across government, by contributing military, customs, law enforcement, and other security experts and assets to interdiction exercises, by hosting PSI meetings, workshops, and exercises with other PSI-endorsing states.

### **Multinational:**

Current members include: Afghanistan, Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Belarus, Belgium, Belize, Bosnia, Brunei Darussalam, Bulgaria, Cambodia, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Holy See, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kyrgyzstan, Kuwait, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Marshall Islands, Moldova, Mongolia, Montenegro, Morocco, The Netherlands, New Zealand, Norway, Oman, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Russia, Samoa, Saudi Arabia, San Marino, Serbia, Singapore, Slovakia, Slovenia, South Korea[6], Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom, United States, Uzbekistan, Vanuatu, and Yemen.

[All Arctic council members are signatories.]

### **Public:**

N/A

### **Political:**

The primary role of PSI participants is to abide by a Statement of Interdiction Principles, with the primary purpose of interdicting subject weapons and materials. Additionally, participants are to enact legal statutes to facilitate effective interdiction and seizure of such items. Finally, participants are to take measures to ensure that their national facilities are not utilized to transfer

### **Military:**

DND/CF would take leading role in the execution of a VBSS operation but by its very nature such an operation would have interagency personnel and be a PMO sanctioned operation.

### **Economic:**

N/A

### **Social:**

N/A

**Information:**

Canada has publically supported PSI (2003)

**Infrastructure:**

Can be conducted within existing infrastructure

**Physical Geography:**

Global commitment and seen as complimentary to CFDS international, regional and national policy prisms.

**Time:**

Now

Enduring

## **A.2.6 Overview: Security & Prosperity Partnership (NAFTA)**

**Lead Department: International Organization**

### **Joint:**

DND/CF has a role to play in SPP but its exact nature is mission/operation dependent.

### **Interagency:**

[SPP is a cross government concept which draws heavily upon all associated departments from GoC]

### **Multinational:**

Multi-national by design

### **Public:**

Focused upon government to government dialogue but this dialogue is aiming to reduce bureaucracy to facilitate greater ease for public companies. The North American Competitiveness Council. Increasing private sector engagement in the SPP by adding high-level business input will assist governments in enhancing North America's competitive position and engage the private sector as partners in finding solutions.

The Council will:

Consider issues that could be addressed trilaterally or bilaterally, as improvements in our bilateral relationships enhance North American competitiveness.

Address issues of immediate importance and provide strategic medium and long-term advice.

Provide input on the compatibility of our security and prosperity agendas, given the linkages between security and prosperity in a global marketplace.

Offer ideas on the private sector's role in promoting North American competitiveness.

**Political:**

The Security and Prosperity Partnership of North America (SPP), launched by the leaders of Mexico, Canada and the United States in March 2005, aims to promote growth and economic opportunity, increase security, and improve the quality of life of our peoples. In June 2005, lead Ministers issued a joint report outlining steps to achieve these goals. Since then, highlights of accomplishments include:

To speed up response times when managing infectious disease outbreaks, save lives, and reduce health care costs, the United States and Canada signed an agreement to enable simultaneous exchange of information between virtual national laboratory networks (PulseNet).

The United States and Canada signed an agreement, which is a milestone in pipeline regulatory cooperation, to allow increased compliance data sharing, staff exchanges and joint training. The sharing of best practices will lead to a more uniform regulatory approach for cross border pipelines.

To enhance clarity and compatibility of energy regulation, Canadian, U.S. And Mexican regulators began regular meetings to exchange information on regulatory standards and energy market developments and to discuss bringing gas from Alaska to the North American market. Canada and the United States are developing Mutual Assistance Arrangements, which will enhance our preparedness for cross-border public health emergencies; Mexico has been invited to participate.

North American Emergency Management. The commitments made in the SPP recognize that a disaster – whether natural or man-made – in one North American country can have consequences across national borders, and may demand a common approach to all aspects of emergency management. Recent experience with hurricanes, ice storms, industrial accidents and the like demonstrate our interdependencies, as well as the need for coordination and mutual assistance in protecting and safekeeping our populations. Moving forward we will:

Develop a common approach to critical infrastructure protection, and response to cross border terrorist incidents and natural disasters, across a number of different sectors including, but not limited to, transportation, energy, and telecommunications.

Develop and implement joint plans for cooperation for incident response, as well as conduct coordinated training and exercises in emergency response.

## **Military:**

To increase maritime security, the United States and Canada completed joint exercises on the St. Clair and Detroit Rivers in September and in February during Super Bowl XL. Officers, who were cross-designated on vessels of the other nation, could authorize pursuit of suspect vessels crossing jurisdictions.

To enhance aviation security, the United States, Canada, and Mexico completed training on principles to protect aircraft from terrorism threats, on marksmanship skills, and on emergency procedures.

## **Economic:**

To enhance growth and competitiveness in a key sector, the North American Steel Trade Committee developed a new strategy aimed at reducing market distortions, facilitating trade and promoting overall competitiveness through innovation and market development.

To adapt to changes in sourcing and production methods, the three countries have analyzed ways to liberalize requirements for obtaining NAFTA duty-free treatment. Changes to the rules of origin have been implemented successfully and technical teams are working on additional changes.

To enhance port security, Canada and the United States concluded port facility visits at Oakland, CA and Vancouver, BC in October 2005 to facilitate the development of benchmark security standards.

To ensure food safety while facilitating trade, a Food Safety Coordinating Task Force was formed and is developing a prioritized list of standards to compare for similarities, differences, and scientific bases for the differences. These efforts will facilitate the development of North American standards and, as appropriate, the removal of differences in standards.

## **Social:**

Advancing Cooperation on Avian and Pandemic Influenza. Leaders agreed to the following principles to guide collaboration on all stages of avian or pandemic influenza management:

Share information among our governments in an open, timely and transparent manner.

Adopt an integrated and comprehensive approach that incorporates animal and public health aspects in managing avian influenza and influenza pandemics.

Ensure coordination within our respective national governments on all aspects of emergency management for an avian influenza outbreak or a human influenza pandemic, by building on existing mechanisms of cooperation and strengthening them as required.

Coordinate our actions and leverage our respective capacities to ensure rapid and effective steps are taken to deal with avian influenza outbreaks or a human influenza pandemic in North America.

Advise one another in advance of making any decision that could seriously affect the other countries.

Base our actions on the best available science and evidence-based decision-making.

Agree that the imposition and removal of veterinary or public health measures on the movement of people, animals, and goods, under our national laws and international obligations, will not be more restrictive or maintained longer than necessary to achieve the veterinary or public health objective so as to avoid unnecessary interference with the movement of people and goods within North America.

Ensure that the business continuity plans of our respective governments consider the highly interconnected nature of our economies.

Strive to utilize clear and consistent messaging to the public and international organizations that is proactive, timely and accurate.

### **Information:**

The United States and Canada reached a full Open-Skies aviation agreement, removing all economic restrictions on air service to, from, and beyond one another's territory by the airlines of both countries. The agreement will encourage new markets development, lower prices and greater competition.

To speed cargo shipping, the three countries are developing uniform in-advance electronic exchange of cargo manifest data for maritime, railroad and motor carriers.

To strengthen the integrity and security of asylum and refugee status determination systems, the United States and Canada launched a pilot project to share information on refugee and asylum claimants based on a comparison of fingerprint records.

To reduce marine air pollution, Canada and the United States have coordinated data collection, marine inventory development and air quality monitoring. The two countries are preparing to approach the International Maritime Organization to designate special areas for controlling sulphur emissions from marine vessels.

### **Infrastructure:**

In order to increase navigational accuracy across the region, five Wide Area Augmentation System (WAAS) stations were installed in Canada and Mexico in 2005.

To advance preparedness to address a cyber incident affecting critical infrastructure, authorities from the United States and Canada completed a multi-national exercise, Cyberstorm, in February 2006.

North American Energy Security Initiative. A secure and sustainable energy supply is essential for our economic prosperity in North America. To advance our energy agenda we have agreed to:

Enhance the development of a diverse energy resource base in North America by increasing collaboration on research, development and commercialization of clean energy-related technologies, and

Strengthen the North American energy market by improving transparency and regulatory compatibility, promoting the development of resources and infrastructure, increasing



cooperation on energy efficiency standards, and supporting other efforts aimed at addressing challenges on the demand side.

**Physical Geography:**

North American Emergency Management. The commitments made in the SPP recognize that a disaster – whether natural or man-made – in one North American country can have consequences across national borders, and may demand a common approach to all aspects of emergency management. Recent experience with hurricanes, ice storms, industrial accidents and the like demonstrate our interdependencies, as well as the need for coordination and mutual assistance in protecting and safekeeping our populations. Moving forward we will:

Develop a common approach to critical infrastructure protection, and response to cross border terrorist incidents and natural disasters, across a number of different sectors including, but not limited to, transportation, energy, and telecommunications.

Develop and implement joint plans for cooperation for incident response, as well as conduct coordinated training and exercises in emergency response.

**Time:**

Ongoing

## **A.2.7 Overview: The Antarctic Treaty System**

**Lead Department:** Environment Canada

**Joint:**

N/A

**Interagency:**

N/A

**Multinational:**

The Antarctic Treaty System's yearly Antarctic Treaty Consultative Meetings (ATCM) are the international forum for the administration and management of the region. Only 28 of the 46 parties to the agreements have the right to participate in decision-making at these meetings, though the other 18 are still allowed to attend. The decision-making participants are the Consultative Parties and, in addition to the 12 original signatories, include 16 countries that have demonstrated their interest in Antarctica by carrying out substantial scientific activity there.

**Public:**

N/A

**Political:**

The Antarctic Treaty System is the whole complex of arrangements made for the purpose of regulating relations among states in the Antarctic. At its heart is the Antarctic Treaty itself. The original Parties to the Treaty were the 12 nations active in the Antarctic during the International Geophysical Year of 1957-58. The Treaty was signed in Washington on 1 December 1959 and entered into force on 23 June 1961. The Consultative Parties comprise the original Parties and other States that have become Consultative Parties by acceding to the Treaty and demonstrating their interest in Antarctica by carrying out substantial scientific activity there.

The primary purpose of the Antarctic Treaty is to ensure "in the interests of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord." To this end it prohibits military activity, except in support of science; prohibits nuclear explosions and the disposal of nuclear waste; promotes scientific research and the exchange of data; and holds all territorial claims in abeyance. The Treaty applies to the area south of 60° South Latitude, including all ice shelves and islands.

The Treaty is augmented by Recommendations adopted at Consultative Meetings, by the Protocol on Environmental Protection to the Antarctic Treaty (Madrid, 1991), and by two separate conventions dealing with the Conservation of Antarctic Seals (London 1972), and the Conservation of Antarctic Marine Living Resources (Canberra 1980). The Convention on the Regulation of Antarctic Mineral Resource Activities (Wellington 1988), negotiated between 1982 and 1988, will not enter into force.

### **Military:**

Nil military forces allowed into Antarctica

### **Economic:**

Protection of the Antarctic environment has been a central theme in the cooperation among Antarctic Treaty Parties. In 1964, the ATCM adopted Agreed Measures for the Conservation of Antarctic Fauna and Flora. These Measures laid the basis for a regulatory system of general rules and specific regulations that provided extra protection in Specially Protected Areas. Subsequently the ATCM adopted a number of measures on various issues to widen, complement and strengthen the protection of the Antarctic environment.

A new stage was reached with the adoption of the Protocol on Environmental Protection to the Antarctic Treaty in Madrid in 1991. Through the Environment Protocol the Contracting Parties “commit themselves to the comprehensive protection of the Antarctic environment and dependent and associated ecosystems and ... designate Antarctica as a natural reserve, devoted to peace and science”. The Protocol prohibits all activities relating to Antarctic mineral resources, except for scientific research.

The Environment Protocol includes six technical Annexes, five of which have entered into force and establish a comprehensive set of basic principles and detailed mandatory rules applicable to human activities in Antarctica. This section of the website is divided into the specific areas covered by the six Annexes.

Article 16 of the Environment Protocol provides for the Parties to “elaborate rules and procedures relating to liability for damage arising from activities taking place in the Antarctic Treaty area and covered by this Protocol”. At the 28th ATCM (Stockholm, 2005) an Annex was adopted on “Liability Arising from Environmental Emergencies”.

Annex VI deals with “environmental emergencies related to scientific research programmes, tourism and all other governmental and non-governmental activities in the Antarctic Treaty area for which advance notice is required under Article VII(5) of the Antarctic Treaty”. The operators of such activities will be required to undertake reasonable preventative measures and to establish contingency plans for responses to incidents with potential adverse impacts on the Antarctic environment. In case of environmental emergencies, operators will be required to take prompt and effective response action; if they don't they will be liable for its cost.

Annex VI will enter into force after its approval by the Consultative Parties that participated in the Stockholm ATCM.

### **Social:**

The Antarctic Treaty Consultative Meeting (ATCM) is now held annually. During each ATCM, there is also a meeting of the Committee of Environmental Protection (CEP). The Scientific Committee on Antarctic Research (SCAR) is an observer at ATCMs and CEPs, and provides independent scientific advice as requested in a variety of fields, particularly on environmental and conservation matters.

**Information:****Antarctic Treaty database**

In this database you can find the text of measures adopted by the ATCM (including all Recommendations, Measures, Decisions and Resolutions) from 1961 to now together with their attachments and information on their legal status.

While every effort has been made to ensure the accuracy of the texts in the database, only the text of the printed version of the Final Report of the ATCM is the authentic text. You can find photographic copies of the printed version under “Final Reports” below. The data contained in this database on Parties to the Treaty and the Environment Protocol and on the approval of Recommendations and Measures derive from the official data maintained by the United States State Department as Depositary of the Antarctic Treaty.

**Final Reports**

Most of Antarctic Treaty Consultative Meeting and Special Antarctic Treaty Consultative Meeting Final Reports are now available in .PDF format for browsing or downloading.

**Documentation Centre**

The Documentation Centre provides an online catalogue of the publications in the Secretariat’s library and a digital set of documents concerning Antarctic legislation, policy and programmes.

**Publications**

Printed material produced by the Secretariat, including Final Reports from 28th ATCM (2005) onward, Site Guidelines for Visitors and brochures.

**Infrastructure:**

<http://www.scar.org/information/>

**Physical Geography:**

Refers just to Antarctica - South of 60S latitude.

**Time:**

Current

## **A.2.8 Overview: Arctic Council**

**Lead Department: International Organization**

### **Joint:**

No direct military role within Arctic Council

### **Interagency:**

The real work within the Arctic Council is done in cooperative fashion within five Working Groups and three Programs & Action Plans:

Working Groups

Arctic Monitoring & Assessment Programme[3] (AMAP)

Conservation of Arctic Flora & Fauna [4] (CAFF)

Emergency Prevention, Preparedness & Response [5](EPPR)

Protection of the Arctic Marine Environment [6] [7](PAME)

Sustainable Development Working Group [8](SDWG)

Arctic Contaminants Action Program [9] (ACAP) (since 2006)

### **Multinational:**

Observers

Observer status in the Arctic Council is open to:

Non-arctic states

inter-governmental and inter-parliamentary organizations, global and regional

non-governmental organizations.

### **Public:**

In addition, there are a number of officially sanctioned Observers to the Arctic Council, among them several international organizations - Arctic Parliamentarians, IUCN, the International Red Cross Federation, the Nordic Council, the Northern Forum, UNEP, UNDP; and a handful of non-governmental organizations such as the Association of World Reindeer Herders [2], the University of the Arctic and the WWF-Arctic Programme.

**Political:**

Member states:

Canada; representing the territories of  
Northwest Territories

Nunavut

Yukon

Denmark; representing the dependencies of  
Greenland

Faroe Islands

Finland

Iceland

Norway

Russia

Sweden

United States; representing the state of  
Alaska

[edit] Observer Countries

China (Ad-hoc status until the next Ministerial Meeting)

European Union (Ad-hoc status until the next Ministerial Meeting)[1]

France

Germany

**Military:**

No direct military forum

**Economic:**

The following working groups cover economic aspects of Arctic Region:

Emergency Prevention, Preparedness & Response [5](EPPR)

Protection of the Arctic Marine Environment [6] [7](PAME)

Sustainable Development Working Group [8](SDWG)

Arctic Contaminants Action Program [9] (ACAP) (since 2006)

**Social:**

Six Arctic indigenous communities have the status of Permanent Participants on the Council.

These groups are represented by the Aleut International Association, Arctic Athabaskan Council, Gwich'in Council International, Inuit Circumpolar Council, Russian Association of Indigenous Peoples of the North, and the Saami Council.

**Information:**

<http://arctic-council.org/section/documentation>

<http://arctic-council.org/section/links>

**Infrastructure:**

Arctic Council Secretariat Polarmiljøsentret, NO-9296 Tromsø, Norway Phone: +47 77 75 01 40,  
Mail: The secretariat

### **Physical Geography:**

Italy (Ad-hoc status until the next Ministerial Meeting)

Japan (Ad-hoc status until the next Ministerial Meeting)

South Korea (Ad-hoc status until the next Ministerial Meeting) Arctic Environmental Protection Strategy - 1991

Netherlands In September 1989, on the initiative of the government of Finland, officials from the eight Arctic

Poland countries met in Rovaniemi, Finland to discuss cooperative measures to protect the Arctic

Spain environment. They agreed to work towards a meeting of circumpolar Ministers responsible for Arctic

United Kingdom; representing the country of Scotland environmental issues. The September 1989 meeting was followed by preparatory meetings in

Yellowknife, Canada in April 1990; Kiruna, Sweden in January 1991; and, Rovaniemi, Finland in June

Also - NB [http://www.beac.st/in\\_English/Barents\\_Euro-Arctic\\_Council.iw31991](http://www.beac.st/in_English/Barents_Euro-Arctic_Council.iw31991).

In addition to the numerous technical and scientific reports prepared under this initiative, the Arctic Environmental Protection Strategy was developed. This Strategy represents the culmination of the cooperative efforts of the eight Arctic countries: Canada, Denmark, Finland, Iceland, Norway, Sweden, Union of Soviet Socialist Republics, United States of America.

The eight Arctic countries were assisted in the preparation of the Strategy by the following observers: Inuit Circumpolar Conference, Nordic Saami Council, USSR Association of Small Peoples of the North, Federal Republic of Germany, Poland, United Kingdom, United Nations Economic Commission for Europe, United Nations Environment Program, and the International Arctic Science Committee.

### **Time:**

[http://www.ac-acap.org/Page\\_news\\_eng.htm](http://www.ac-acap.org/Page_news_eng.htm)

## **A.2.9 Overview: NORAD TREATY**

**Lead Department: Department of National Defence**

### **Joint:**

The mission of the Canadian NORAD Region (CANR) is to provide aerospace surveillance, identification, control and warning for the defence of Canada and North America.

Headquartered at 1 Canadian Air Division in Winnipeg, Manitoba, CANR executes a variety of tasks to defend Canadian airspace, including identifying and tracking all aircraft entering Canadian airspace, exercising operational command and control of all air defence forces in CANR and operations in support of other government departments and agencies.

CANR is one of three North American Aerospace Defence Command (NORAD) regions. The other two subordinate regional headquarters are located at Elmendorf Air Force Base, Alaska and Tyndall Air Force Base, Florida. NORAD is the bi-national Canada- U.S. command that continuously provides worldwide detection, validation and warning of a ballistic missile attack on North America and maintains continental detection, validation, warning and aerospace control of air-breathing threats to North America, to include peacetime alert levels and appropriate aerospace defense measures to respond to hostile actions against North America.

Since the terrorist attacks of 2001, CANR has been heavily committed to Operation Noble Eagle (ONE), NORAD's ongoing internal air defence mission.

1 Canadian Air Division is responsible for providing CANR with combat-ready air forces to meet Canada's commitment to the defence of North America and maintain the sovereignty of North American airspace.

NORAD assets are positioned strategically throughout Canada and the U.S. and can respond to any air sovereignty threat in a matter of minutes. CANR CF-18 Hornet fighter aircraft are on continuous alert to respond to any potential aerial threat to the safety of Canada and Canadians.

### **Interagency:**

#### **MISSIONS**

NORAD and USNORTHCOM have complementary missions and members of our headquarters staffs work to fulfill our homeland defense responsibilities. The two Commands operate within a common security environment and share common values, understanding the urgency and importance of our duties in light of very real and present dangers.

The NORAD Agreement assigns the missions and responsibilities for Commander NORAD while the Unified Command Plan establishes the missions and responsibilities for Commander



USNORTHCOM. We continually evaluate these mission statements to ensure they remain relevant and appropriate.

NORAD Mission In close collaboration with homeland defense, security, and law enforcement partners, prevent air attacks against North America, safeguard the sovereign airspaces of the United States and Canada by responding to unknown, unwanted, and unauthorized air activity approaching and operating within these airspaces, and provide aerospace and maritime warning for North America.

USNORTHCOM Mission Anticipates and conducts Homeland Defense and Civil Support operations within the assigned area of responsibility to defend, protect and secure the United States and its interests.

## VISION

Our most solemn obligation is to defend our homelands. This obligation demands an unyielding commitment to leadership and an abiding pledge to succeed. We cannot afford to fail, for the stakes are too high. Continually challenging assumptions and the status quo is crucial to our Commands' endurance and relevance.

We will respond not a minute too soon, or a second too late. In providing defense support of civil authorities, we respond to natural and manmade disasters, save lives, prevent loss and mitigate suffering.

We must constantly challenge "the way it is" in favor of "the way it ought to be." As we look to the year 2020, we assure success by creating, refining and transforming as necessary and by intelligently and courageously making appropriate decisions. Unity of effort and unity of results are part of all we do. Innovation will be key, as we continually re-evaluate our processes, procedures, organizations and individual positions ensuring that all efforts lead effectively to the best possible defense and security of our homelands. In the future, we will broaden our scope and direction, but will always consider our collective overarching security responsibilities as paramount. Our charter is clear: we must actively seek and aggressively advocate solutions that serve the best collective interests of national security and continental defense.

NORAD and USNORTHCOM shall be synonymous with continental and homeland defense expertise and excellence worldwide. We intend to serve as a universal model for collaboration, integrating aerospace and maritime warning, aerospace control and multi-domain homeland defense. We will champion collaborative efforts to take on the most challenging issues and develop solutions that are effective, efficient, unbiased and in the best interests of all whom we serve. We will aggressively explore and develop new, innovative and imaginative ways of thinking and willingly share our best practices.

## OUR PARTNERS

Our Commands fully rely on the relationships we maintain with partners such as Canada, Mexico

and myriad agencies. While we have multiple partners and stakeholders, we are united in purpose to provide increased security and defense of North America. We will capitalize on the experience, expertise and capabilities of all potential partners, incorporating these into our plans, training, exercises and operations. Whether operating in a supported or supporting role, the forces employed for homeland defense or civil support must be able to work with every government, Service, and agency that provides members to serve in homeland and continental defense operations.

The unique and wholly necessary relationships we develop and employ with our many established and ad hoc partners will produce trust, enhanced capabilities, mutual advocacy and the culture of collaboration requisite to achieve our missions. These relationships compel our special focus on:

**Respect and culture** We will continue to respect the laws, sovereignty and values of all our partners and acknowledge the cultural sensitivities attendant to collective efforts. Our operations will always be “Joint,” will usually involve interagency partners and when appropriate, will be “Combined.” We will maintain special focus on the capabilities of our nations’ reserve components—to include the National Guard—and national, provincial, state, local and tribal organizations in order to capitalize upon the roles, missions and strengths of others in providing for our common defense and security. We will also reinforce the United States government’s efforts to instill a “culture of preparedness” among our citizenry, and encourage our neighbors Canada and Mexico to do the same.

**Collaboration, communication and engagement** Collaboration is the fundamental cornerstone for every aspect of our operations. To facilitate this, partnership-building and deliberative engagement activities must be consistent, comprehensive and mutual: we will engage partners to reinforce trust, communication, cooperation and collaborative enterprise development, while enhancing information-sharing practices. We will develop and execute a robust and viable Commander’s Communication Strategy so as to bolster the confidence of our nations’ citizens, our partners and our allies in our ability and resolve to successfully accomplish each of our missions. We will contribute to a mission-success orientation among all prospective partners and networks and our messages crafted for public consumption will be positive, honest, reassuring and proactive—to reinforce public confidence in our Commands’ abilities.

**Advocacy** Working with diverse partners requires enhanced interoperability. To that end, we will advocate for partners’ appropriate capabilities, competencies and resources. We will actively promote the development, availability and employment of a timely, comprehensive and relevant common operating picture for continental security, homeland defense and civil support. We will continue to lead military efforts to integrate, coordinate and synchronize with partners from all sectors, sources and levels as we advocate the training, equipment and resources necessary to accomplish our collective missions. In addition to endorsing tangible improvements, we will regularly encourage innovative approaches and philosophies for an effective combined defense.

### **Multinational:**

On May 12th, 2008 the North American Aerospace Defence (NORAD) Command celebrated 50 years as an operational bi-national command. Now, approaching twenty years since the end of the Cold War, NORAD remains at the forefront as the centrepiece of Canada/U.S. defence relations. Its status has been maintained, despite a marked military shift on both sides of the border to a national approach to homeland defence. With the recent creation of United States Northern Command (USNORTHCOM) and Canada Command (Canada COM) 2006, both militaries have indicated a desire to move on from sole reliance on NORAD, creating independent homeland defence commands which continue to grow together bilaterally.

Notwithstanding changes in the landscape, the state to state agreement which created the bi-national NORAD command remains strong politically. The 2006 renewal demonstrated full Canadian government confidence in NORAD. It expanded NORAD's mission to include maritime warning and signed onto a standing agreement which no longer requires renewal. Realizing the long-lasting and unwavering government support for NORAD and the fact that its military relevance has waned, it is evident the primary influence over NORAD has shifted. Control over NORAD's future no longer resides with the military, but is the purview of government.

### **Public:**

PSB A list of links available on the public web-site for public discussion:

<http://www.norad.mil/links.html>

## **Political:**

Through outstanding bi-national cooperation, NORAD has proven itself effective in its roles of watching, warning, and responding. NORAD continues to play an important role in the defense of Canada and the U.S by evolving to meet the changing threat. The events of September 11, 2001 demonstrated NORAD's continued relevance to North American security. Today, NORAD provides civil authorities with a potent military response capability to counter domestic airspace threats.

While the national leadership of Canada and the U.S. continue to refine our response to the terrorist threat, NORAD's proven abilities and unique capabilities will remain a vital part of homeland defense.

## **Military:**

### **MISSIONS**

NORAD and USNORTHCOM have complementary missions and members of our headquarters staffs work to fulfill our homeland defense responsibilities.

The NORAD Agreement assigns the missions and responsibilities for Commander NORAD while the Unified Command Plan establishes the missions and responsibilities for Commander USNORTHCOM. We continually evaluate these mission statements to ensure they remain relevant and appropriate.

NORAD Mission In close collaboration with homeland defense, security, and law enforcement partners, prevent air attacks against North America, safeguard the sovereign airspaces of the United States and Canada by responding to unknown, unwanted, and unauthorized air activity approaching and operating within these airspaces, and provide aerospace and maritime warning for North America.

USNORTHCOM Mission Anticipates and conducts Homeland Defense and Civil Support operations within the assigned area of responsibility to defend, protect and secure the United States and its interests.

## **Economic:**

N/A

## **Social:**

<http://www.norad.mil/leaders/index.html>

## **Information:**

<http://www.norad.mil/>

## **Infrastructure:**

The iconic command post, during the Cold War, was deep inside Cheyenne Mountain in Colorado; Cheyenne Mountain Operations Center is the most hardened facility in North America. Eventually, however, it became vulnerable to accurate missiles with large thermonuclear warheads, but was protected against anything less. Nevertheless, the underground command post has been put into caretaker status, and NORAD operations are in

nearby, and cheaper to operate, conventional buildings. NORAD's operations center is now at nearby Peterson Air Force Base.

Regional command centers are located at:

Elmendorf Air Force Base, Alaska

Canadian Forces Base, Winnipeg, Manitoba

Tyndall Air Force Base, Florida

NORAD does have a significant role in space surveillance to the benefit of both countries.

Nevertheless, its key mission was Cold War defense, and, from the U.S. perspective, merging it with Northern Command, which is responsible for the overall defense of the United States mainland, made sense. NORAD also assists in detecting drug and other smuggling, feeding information to law enforcement.

### **Physical Geography:**

CONR is one of three NORAD regions. The two other regions are the Canadian NORAD Region (CANR), with its headquarters located at Canadian Forces Base, Winnipeg, and the Alaskan NORAD Region (ANR), with its headquarters located at Elmendorf Air Force Base, Alaska. NORAD is the bi-national Canadian and American command that employs a network of space-based, aerial and ground-based sensors, air-to-air refuelling tankers and fighter aircraft, controlled by a sophisticated command and control network to deter, detect and defend against aerial threats that originate outside or within North American airspace.

### **Time:**

Enduring and current

## **A.2.10 Overview: Canada Shipping Act**

**Lead Department:** Transport Canada

**Joint:**

N/A

**Interagency:**

Powers outlined pertain to both TC & DFO

(3) A regulation made under this Act may incorporate by reference material that the Minister who recommended to the Governor in Council that the regulation be made produces jointly with another government or government agency for the purpose of harmonizing the regulation with other laws.

**Multinational:**

Canadian legislation - applicable to Canadian Shipping... This Part applies in respect of Canadian vessels everywhere and in respect of foreign vessels in Canadian waters, but regulations made under paragraph 35(1)(d) in respect of pollution apply, if they so state, in respect of foreign vessels in waters in the exclusive economic zone of Canada.

International Conventions, Protocols and Resolutions  
Schedule 1

29. (1) Schedule 1 lists the international conventions, protocols and resolutions that Canada has signed that relate to matters that are within the scope of this Act and that the Minister of Transport has determined should be brought into force, in whole or in part, in Canada by regulation.

Schedule 2

(2) Schedule 2 lists the international conventions, protocols and resolutions that Canada has signed that relate to matters that are within the scope of this Act and that the Minister of Fisheries and Oceans has determined should be brought into force, in whole or in part, in Canada by regulation.

Codes and guidelines

(3) A convention or protocol includes any code or guideline that is attached to it.

Additions to Schedule 1 or 2

30. (1) The Governor in Council may, by order, add international conventions, protocols and resolutions described in subsection 29(1) to Schedule 1 or described in subsection 29(2) to Schedule 2.

Order to be tabled and referred

(2) The Minister of Transport is to cause a copy of each order related to Schedule 1 and the Minister of Fisheries and Oceans is to cause a copy of each order related to Schedule 2, together with a description of the objectives of the convention, protocol or resolution, to be laid before each House of Parliament on any of the first 10 days on which that House is sitting after the order is made. The order stands referred to the appropriate standing committee of each House.

Deletions from Schedule 1 or 2

31. The Governor in Council may, by order, delete an international convention, protocol or resolution from Schedule 1 or 2 or amend Schedule 1 or 2 if the amendment would not, in the opinion of the Governor in Council, result in a material substantive change.

**Public:**

Offences and Punishment  
Contravention of section 23

37. Every person who contravenes section 23 (destruction of documents, fraud, obstruction, false or misleading information or statement, movement of detained vessel) commits an offence and is liable on summary conviction to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than 18 months, or to both.

Contravention of regulations made under paragraph 35(1)(d) or (3)(a)

38. (1) Every person who, or vessel or oil handling facility that, contravenes a provision of the regulations made under paragraph 35(1)(d) or (3)(a) commits an offence and is liable on summary conviction to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than 18 months, or to both.

Exception

(2) If a court sentencing a person, vessel or oil handling facility under subsection (1) for contravening a provision of the regulations made under paragraph 35(1)(d) or (3)(a) is of the opinion that the provision that the person, vessel or facility contravened is equivalent to a provision of the regulations made under another provision of this Act and if the punishment provided under this Act for contravening that provision of the regulations is less than the punishment provided under subsection (1), the person, vessel or oil handling facility is liable to that lesser punishment.

Contravention of Act

39. (1) Every person commits an offence who contravenes

(a) subsection 17(2) (improper possession of a Canadian maritime document); or

(b) subsection 28(7) (inform Chair without delay).

Punishment

(2) Every person who commits an offence under subsection (1) is liable on summary conviction to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year, or to both.

Contravention of Act or regulations

40. (1) Every person who, or vessel that, contravenes any of the following commits an offence:

(a) subsection 16(3) (cheating on an exam);

(b) section 18 (failure to produce Canadian maritime document);

(c) subsection 20(7) (failure to return suspended or cancelled Canadian maritime document);

and

(d) a provision of the regulations made under paragraph 35(1)(e) or (3)(b).

Punishment

(2) Every person who, or vessel that, commits an offence under subsection (1) is liable on



summary conviction to a fine of not more than \$10,000.

#### Offences and Punishment

##### Contravention of Act or regulations

101. (1) Every person commits an offence who contravenes

- (a) subsection 82(2) (operating a vessel without sufficient and competent crew);
- (b) subsection 82(3) (wilfully obstructing the operation of a vessel); or
- (c) a provision of the regulations made under any of paragraphs 100(a) to (i) and (k) to (m).

##### Punishment

(2) Every person who commits an offence under subsection (1) is liable on summary conviction to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than 18 months, or to both.

##### Continuing offence

(3) If an offence under subsection (1) is committed or continued on more than one day, the person who committed it is liable to be convicted for a separate offence for each day on which it is committed or continued.

##### Contravention of Act

102. (1) Every person commits an offence who contravenes

- (a) section 87 (hold certificate or document and comply with its terms and conditions);
- (b) subsection 90(1) (inform Minister of medical opinion);
- (c) subsection 90(2) (inform that holder of a certificate);
- (d) subsection 94(1) (pay expenses);
- (e) subsection 97(1), (2), (3) or (4) (take measures following a death); or
- (f) paragraph 98(e) (failure to pay expenses).

##### Punishment

(2) Every person who commits an offence under subsection (1) is liable on summary conviction to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year, or to both.

##### Contravention of Act or regulations

103. (1) Every person commits an offence who contravenes

- (a) subsection 82(1) (ensure employees present Canadian maritime documents);
- (b) paragraph 91(1)(a) (enter into articles);
- (c) paragraph 91(1)(b) (display articles);
- (d) section 92 (provide certificate of discharge);
- (e) subsection 93(1) (maintain record of sea service);
- (f) subsection 93(2) (provide copy of record of sea service);

- (g) paragraph 98(a) (enter into articles);
- (h) paragraph 98(b) (provide certificate of discharge);
- (i) paragraph 98(c) (maintain record of sea service);
- (j) paragraph 98(d) (provide copy of record of sea service); or
- (k) a provision of the regulations made under paragraph 100(j).

#### Punishment

(2) Every person who commits an offence under subsection (1) is liable on summary conviction to a fine of not more than \$10,000.

#### **Political:**

Except as otherwise provided, this Act is binding on Her Majesty in right of Canada or a province.

#### Objectives

##### Objectives of Act

6. The objectives of this Act are to

- (a) protect the health and well-being of individuals, including the crews of vessels, who participate in marine transportation and commerce;
- (b) promote safety in marine transportation and recreational boating;
- (c) protect the marine environment from damage due to navigation and shipping activities;
- (d) develop a regulatory scheme that encourages viable, effective and economical marine transportation and commerce;
- (e) promote an efficient marine transportation system;
- (f) develop a regulatory scheme that encourages the viable, effective and economical use of Canadian waters by recreational boaters;
- (g) ensure that Canada can meet its international obligations under bilateral and multilateral agreements with respect to navigation and shipping;
- (h) encourage the harmonization of marine practices; and
- (i) establish an effective inspection and enforcement program.

#### Offences and Punishment

##### Contravention of Act or regulations

78. (1) Every person commits an offence who contravenes

- (a) subsection 57(4) (wilfully defacing, altering, concealing or removing markings); or
- (b) a provision of the regulations made under paragraph 77(h).

##### Punishment

(2) Every person who commits an offence under subsection (1) is liable on summary conviction to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year, or to both.

##### Contravention of Act or regulations

79. (1) Every person commits an offence who contravenes

- (a) subsection 46(2) (register vessel);

- (b) an order made under subsection 52(4) (renaming of vessel);
- (c) subsection 57(1) (mark vessel);
- (d) subsection 57(3) (maintenance of markings);
- (e) subsection 58(1) (notify of changes — authorized representative);
- (f) subsection 58(2) (notify of alteration — authorized representative);
- (g) subsection 58(3) (notify if no authorized representative — owner);
- (h) subsection 58(4) (notify of completion of construction);
- (i) subsection 63(1) (operation of vessel without a certificate on board);
- (j) subsection 63(2) (deliver certificate to person entitled to operate vessel);
- (k) subsection 63(3) (deliver certificate to Chief Registrar);
- (l) subsection 64(2) (fly Canadian flag); or
- (m) a provision of the regulations made under any of paragraphs 77(a) to (g).

#### Punishment

(2) Every person who commits an offence under subsection (1) is liable on summary conviction to a fine of not more than \$10,000.

#### Continuing offence

(3) If an offence under paragraph (1)(a) or (c) is committed or continued on more than one day, the person who committed it is liable to be convicted for a separate offence for each day on which it is committed or continued.

The Minister of Fisheries and Oceans may designate any persons or classes of persons as pollution response officers in respect of discharges or threats of discharges and may limit in any manner that he or she considers appropriate the powers that the officers may exercise under this Part.

#### Certificate of designation

(2) The Minister of Fisheries and Oceans must furnish every pollution response officer with a certificate of designation and, if the officer's powers are limited under subsection (1), the certificate must specify the powers that the officer may exercise.

#### Immunity

(3) Pollution response officers are not personally liable for anything they do or omit to do in good faith under this Part.

2005, c. 29, s. 23.

#### Powers of pollution prevention officers

175. A pollution prevention officer may

- (a) direct the operator of an oil handling facility to provide him or her with any document that the operator is required to have on site under this Part;

- (b) direct a response organization to provide him or her with any document that the organization is required to have under this Part;
  - (c) inspect an oil handling facility to determine whether its equipment and resources meet the requirements of this Part; and
  - (d) inspect a response organization's facilities to determine whether the organization's equipment and resources meet the requirements of this Part.
- 2001, c. 26, s. 175; 2005, c. 29, s. 23.

#### Powers of pollution response officers — general

##### 175.1 (1) A pollution response officer may

- (a) direct a vessel, if it is about to enter or is within waters in respect of which this Part applies, to provide him or her with any information that he or she considers appropriate for the administration of this Part;
- (b) direct any vessel that is within or about to enter waters in respect of which this Part applies and that he or she believes on reasonable grounds to be carrying a pollutant to proceed through those waters by the route, and at a speed not in excess of the speed, that he or she may specify;
- (c) direct a vessel that is required to have a shipboard oil pollution emergency plan under the regulations to provide information concerning it and its implementation;
- (d) direct the operator of an oil handling facility to provide any document that the operator is required to have on site under this Part; and
- (e) direct a response organization to provide any document that the organization is required to have under this Part.

#### Powers — discharge of pollutant

- (2) If the pollution response officer believes on reasonable grounds that a vessel might discharge, or might have discharged, a pollutant, he or she may

- (a) direct a vessel that is within or about to enter waters in respect of which this Part applies to proceed through those waters by the route, and at a speed not in excess of the speed, that he or she may specify;
- (b) go on board and take samples of any substance that he or she believes to be the pollutant;
- (c) if the vessel is within or about to enter waters in respect of which this Part applies, direct the vessel to
  - (i) proceed to the place within waters in respect of which this Part applies that he or she may specify, by the route and in the manner that he or she may specify, and to moor, anchor or remain there for any reasonable period that he or she may specify,
  - (ii) proceed out of waters in respect of which this Part applies, by the route and in the manner that he or she may specify, or
  - (iii) remain outside waters in respect of which this Part applies; and
- (d) if he or she is informed that a substantial quantity of a pollutant has entered or been discharged in waters in respect of which this Part applies, or if on reasonable grounds he or she

is satisfied that a grave and imminent danger of a substantial discharge of a pollutant in those waters exists, declare an emergency zone, the size of which is reasonable with regard to the seriousness of the situation, and

(i) direct any vessel within that emergency zone to report its position to him or her,

(ii) direct any vessel not to enter or not to leave the emergency zone, and

(iii) direct any vessel within the emergency zone in respect of routes, speed limits and pilotage and equipment requirements.

#### Disposition of samples

(3) An officer who takes a sample under paragraph (2)(b) may dispose of it in any manner that he or she considers appropriate or may submit it for analysis or examination to a person designated by the Minister.

#### Certificate or report

(4) A person who has made an analysis or examination may issue a certificate or report that sets out the results of the analysis or examination.

#### Certificate

(5) Subject to subsections (6) and (7), the certificate or report is admissible in evidence in any proceeding related to an offence under this Part and, in the absence of any evidence to the contrary, is proof of the statements contained in the certificate or report without proof of the signature or the official character of the person appearing to have signed it.

#### Attendance of person

(6) The party against whom the certificate or report is produced may, with leave of the court, require for the purposes of cross-examination the attendance of the person who issued it.

#### Notice

(7) The certificate or report may be admitted in evidence only if the party who intends to produce it has given to the party against whom it is intended to be produced reasonable notice of that intention, together with a copy of the certificate or report.

2005, c. 29, s. 23.

#### Assistance to pollution prevention officer

176. (1) For the purpose of exercising his or her powers under this Part, a pollution prevention

officer or a pollution response officer may

- (a) board any vessel or enter any premises or other place at any reasonable time;
- (b) direct any person to provide reasonable assistance or put into operation or cease operating any machinery or equipment;
- (c) direct any person to provide any information that the officer may reasonably require in the administration of this Part;
- (d) direct any person to produce for inspection, or for the purpose of making copies or taking extracts, any log book or other document;
- (e) take photographs and make video recordings and sketches;
- (f) use or cause to be used any computer system or data processing system at the place to examine any data contained in, or available to, the system;
- (g) reproduce or cause to be reproduced any record from the data in the form of a print-out or other intelligible output;
- (h) take any document or other thing from the place where the inspection is being carried out for examination or, in the case of a document, copying; and
- (i) use or cause to be used any copying equipment in the place where the inspection is being carried out to make copies of any documents.

#### Limitation

(2) Living quarters may not be entered under subsection (1) unless they are entered with the consent of the occupant or under the authority of a warrant issued under subsection (3).

#### Authority to issue warrant

(3) On ex parte application, a justice, within the meaning of section 2 of the Criminal Code, may issue a warrant authorizing a pollution prevention officer or a pollution response officer to enter living quarters, subject to any conditions that may be specified in the warrant, if the justice is satisfied by information on oath that entry to the living quarters

(a) is necessary for any purpose related to the carrying out of the officer's powers under this Part; and

(b) has been refused or there are reasonable grounds for believing that it will be refused.

#### Use of force

(4) No officer executing a warrant may use force unless they are accompanied by a peace officer and the use of force is specifically authorized in the warrant.

#### Return of documents and things

(5) Documents or other things taken under paragraph (1)(h) must be returned as soon as feasible after they are no longer required for the inspection or for any proceedings that may result from it.

2001, c. 26, s. 176; 2005, c. 29, s. 24.

## Detention of Vessels

### Detention

177. (1) If a pollution response officer believes on reasonable grounds that an offence under this Part has been committed by or in respect of a vessel, he or she may make a detention order in respect of the vessel.

Order to be in writing

(2) A detention order made under this section must be in writing and be addressed to every person empowered to grant clearance in respect of the vessel.

Detention order to be served on master

(3) Notice of a detention order made under this section in respect of a vessel must be served on the master

(a) by delivering a copy of the notice personally to the master; or

(b) if service cannot reasonably be effected in the manner provided in paragraph (a), by leaving a copy of the notice with the person who is, or appears to be, in charge of the vessel or, if there is no such person, by fixing a copy of the notice to a prominent part of the vessel.

Contents of notice

(4) The notice must

(a) indicate the measures to ensure compliance with this Part that must be taken for the detention order to be rescinded; and

(b) if an indictment has been preferred in respect of the offence, indicate the amount and form of security that, pending the outcome of any proceedings related to the indictment, must be deposited with the Minister of Fisheries and Oceans for the detention order to be rescinded.

Foreign state to be notified

(5) If a vessel in respect of which a detention order is made under this section is registered in a foreign state, that state is to be notified that the order was made.

Rescission of orders

(6) A pollution response officer must

(a) rescind a detention order made under this section if he or she is satisfied that the measures indicated in the notice referred to in subsection (4) have been taken and, if applicable, security in the amount and form indicated in the notice referred to in that subsection has been deposited with the Minister of Fisheries and Oceans; and

(b) notify, in the form and manner specified by the Minister of Fisheries and Oceans, the master and the persons referred to in subsection (2) of the rescission.

Duty of persons empowered to give clearance

(7) No person to whom a detention order made under this section is addressed shall, after notice of the order is received by them, grant clearance to the vessel in respect of which the order was made unless they have been notified that the order has been rescinded under subsection (6).

#### Movement of vessel prohibited

(8) Subject to section 179, no person shall move a vessel that is subject to a detention order made under this section.

#### Liability for expenses

(9) The authorized representative or, if there is no authorized representative, the owner of a vessel that is detained under this section is liable for all expenses incurred in respect of the detained vessel.

#### Return of security

(10) The Minister of Fisheries and Oceans, after proceedings in respect of which security was deposited are concluded,

- (a) may apply the security to reimburse Her Majesty in right of Canada, either fully or partially, if any of the expenses or any fine has not been paid; and
- (b) is to return the security, or any part of it that remains if it is applied under paragraph (a), if all expenses and any fine imposed have been paid.

2001, c. 26, s. 177; 2005, c. 29, s. 25.

#### Interference with service

178. No person shall wilfully interfere with the service of a notice of a detention order.

#### Direction to move a detained vessel

179. The Minister of Fisheries and Oceans may

- (a) on application made by the authorized representative or, if there is no authorized representative, the owner of a detained vessel, in the form and manner specified by the Minister of Fisheries and Oceans, permit the master to move it in accordance with the directions of the Minister of Fisheries and Oceans;
- (b) on application made by the owner of a dock or wharf, or by the person in charge of a harbour, at which a detained vessel is situated, in the form and manner specified by the Minister of Fisheries and Oceans, direct the person who is, or appears to be, in charge of the vessel to move the vessel in accordance with the directions of the Minister of Fisheries and Oceans; and
- (c) if a person to whom a direction is given under paragraph (b) does not comply with it and the Minister of Fisheries and Oceans is satisfied that the applicant for the direction has sufficient insurance in place to cover any incident that may arise from the moving of the vessel, authorize



the applicant to move the vessel in accordance with the Minister of Fisheries and Oceans' directions and at the expense of the authorized representative or, if there is no authorized representative, the owner.

2001, c. 26, s. 179; 2005, c. 29, s. 26.

#### Response Measures

Minister may take necessary measures

180. (1) If the Minister of Fisheries and Oceans believes on reasonable grounds that a vessel or an oil handling facility has discharged, is discharging or is likely to discharge a pollutant, he or she may

(a) take the measures that he or she considers necessary to repair, remedy, minimize or prevent pollution damage from the vessel or oil handling facility, including, in the case of a vessel, the removal or destruction of the vessel and its contents, and may sell or otherwise dispose of the vessel and its contents;

(b) monitor the measures taken by any person to repair, remedy, minimize or prevent pollution damage from the vessel or oil handling facility; or

(c) if he or she considers it necessary to do so, direct any person or vessel to take measures referred to in paragraph (a) or to refrain from doing so.

Application of proceeds of disposition

(2) The proceeds from the sale or other disposal of a vessel or its contents under paragraph (1)(a) must be applied towards meeting the costs and expenses incurred in taking the measures under that paragraph, and any surplus must be paid to the vessel's owner or the owner of the contents of the vessel, as the case may be.

#### Compensation

(3) Compensation shall be paid by Her Majesty in right of Canada for the services of any vessel or person, other than a vessel or the operator of an oil handling facility that had discharged, was discharging or was likely to discharge a pollutant, that has complied with a direction issued under paragraph (1)(c).

2001, c. 26, s. 180; 2005, c. 29, s. 27.

#### Civil or criminal liability

181. (1) A person who is directed to take or refrain from taking measures under paragraph 180(1)(c) is not personally liable, either civilly or criminally, in respect of any act or omission in the course of complying with the direction or doing anything incidental to it, unless it is shown that the person's conduct was not reasonable in the circumstances.

Civil or criminal liability

(2) Response organizations and persons who have been designated in writing by the Minister as approved responders are not personally liable, either civilly or criminally, in respect of any act or

omission occurring or arising during the course of a response operation unless it is shown that the act or omission was committed with the intent to cause loss or damage, or recklessly and with the knowledge that loss or damage would probably result.

Exception

(3) Nothing in subsection (1) exempts or lessens the liability of the owner of a vessel for the occurrence that necessitated the response operation.

Definition of “response operation”

(4) In this section, “response operation” means the activities undertaken following a discharge, or a grave and imminent threat of a discharge, from a vessel, including activities related to or connected with surveillance of and assessing areas of pollution, mobilizing and demobilizing response equipment and resources, protective booming, containment, recovery, dispersal or destruction of the pollutant, shoreline mitigation and restoration, transporting and disposing of recovered pollutant or waste materials and planning and supervising activities related to the response operation.

### **Military:**

Application

Exclusion

7. (1) Notwithstanding any other provision of this Act, this Act does not apply in respect of a vessel,  
facility or aircraft that belongs to the Canadian Forces or a foreign military force or in respect of any  
other vessel, facility or aircraft that is under the command, control or direction of the Canadian

### **Economic:**

PART 8

POLLUTION PREVENTION AND RESPONSE — DEPARTMENT OF TRANSPORT AND DEPARTMENT  
OF FISHERIES AND OCEANS

Interpretation

Definitions

165. The definitions in this section apply in this Part.

Application

Application

166. (1) Except as otherwise provided in this Part, this Part applies in respect of vessels in Canadian waters or waters in the exclusive economic zone of Canada and in respect of oil handling facilities in Canada.

Exclusion

(2) This Part does not apply in respect of a vessel that is on location and engaged in the exploration or drilling for, or the production, conservation or processing of, oil or gas in an area described in paragraph 3(a) or (b) of the Canada Oil and Gas Operations Act.

#### Definition of “oil” and “gas”

(3) In subsection (2), “oil” and “gas” have the same meaning as in section 2 of the Canada Oil and Gas Operations Act.

#### Discharges of Oil

##### Vessels — requirements

167. (1) Subject to subsection (2), every prescribed vessel or vessel of a prescribed class shall
- (a) have an arrangement with a response organization in respect of a quantity of oil that is at least equal to the total amount of oil that the vessel carries, both as cargo and as fuel, to a prescribed maximum quantity, and in respect of waters where the vessel navigates or engages in a marine activity; and
  - (b) have on board a declaration, in the form specified by the Minister, that
    - (i) identifies the name and address of the vessel’s insurer or, in the case of a subscription policy, the name and address of the lead insurer who provides pollution insurance coverage in respect of the vessel,
    - (ii) confirms that the arrangement has been made, and
    - (iii) identifies every person who is authorized to implement the arrangement.

##### Certain provisions do not apply to certain vessels

(2) Paragraph (1)(a) and subparagraphs (1)(b)(ii) and (iii) do not apply in respect of a vessel that is in prescribed waters.

#### Exemption

(3) The Minister may exempt, subject to any conditions that the Minister considers appropriate, for a specified period any vessel, or class of vessels, that is en route through waters referred to in subsection 166(1), from the application of any provision of this Part if the Minister is of the opinion that the vessel or class of vessels is subject to a provision of the laws of another state that provides for standards that are equivalent to or stricter than the standards provided for in the provision of this Part.

#### Publication

(4) Notice of every exemption must be published in the Canada Gazette.

2001, c. 26, s. 167; 2005, c. 29, s. 22.

#### Oil handling facilities — requirements

168. (1) The operator of an oil handling facility of a prescribed class shall

(a) have an arrangement with a response organization in respect of any quantity of oil that is, at any time, involved in being loaded or unloaded to or from a vessel at the oil handling facility, to a prescribed maximum quantity;

(b) have on site a declaration in the form specified by the Minister that

(i) describes the manner in which the operator will comply with the regulations made under paragraph 182(a),

(ii) confirms that the arrangement has been made, and

(iii) identifies every person who is authorized to implement the arrangement and the oil pollution emergency plan referred to in paragraph (d);

(c) have on site an oil pollution prevention plan that meets the prescribed requirements to prevent a discharge of oil during the loading or unloading of a vessel;

(d) have on site an oil pollution emergency plan that meets the prescribed requirements to respond to a discharge of oil during the loading or unloading of a vessel; and

(e) have the prescribed procedures, equipment and resources available for immediate use in the event of a discharge of oil during the loading or unloading of a vessel.

Certain provisions do not apply to prescribed classes

(2) Paragraph (1)(a) and subparagraphs (1)(b)(ii) and (iii) do not apply in respect of prescribed classes of oil handling facilities.

#### Duty to take reasonable measures — oil handling facilities

(3) The operator of an oil handling facility referred to in subsection (1) shall take reasonable measures to implement

(a) the oil pollution prevention plan referred to in paragraph (1)(c); and

(b) in respect of an oil pollution incident, the oil pollution emergency plan referred to in paragraph (1)(d).

Response Organizations

Certificate of designation

169. (1) The Minister may, in respect of any geographic area and in respect of a prescribed quantity of oil, issue a certificate of designation as a response organization to a qualified person who makes an application.

Application

(2) An application for a certificate must be made in the form and manner, include the

information and be accompanied by the documents specified by the Minister.

#### Further evidence

(3) In addition to the specified information and documents, the Minister may require that an applicant

(a) provide evidence, including declarations, that the Minister considers necessary to establish that the requirements for the issuance of the certificate have been met; and

(b) undergo any examinations and have its installations undergo any inspections that the Minister considers necessary to establish that the requirements for the issuance of the certificate have been met.

#### Period of validity

(4) Every certificate is valid for the period specified by the Minister.

#### Refusal to issue or renew

(5) The Minister may refuse to issue or renew a certificate if the Minister is of the opinion that the public interest and, in particular, the record of the applicant or of a principal of the applicant warrant it.

#### Suspension and cancellation

(6) The Minister may suspend or cancel a certificate in the circumstances and on the grounds set out in the regulations.

#### Statement of fees

170. (1) A response organization, or a qualified person who makes an application under subsection 169(1), must notify the Minister, in the form and manner and including the information and accompanied by the documents specified by the Minister, of the fees that they propose to charge in relation to an arrangement referred to in paragraph 167(1)(a) or 168(1)(a).  
Notice

(2) A response organization, or a qualified person who makes an application under subsection 169(1), must give notice of the proposed fees in the prescribed manner.

#### Charging fees

(3) A response organization may not charge the fees before the expiry of 30 days after the notice is given.

#### Fee review

(4) On the application of any interested person in the prescribed manner within 30 days after the notice is given, the Minister is to review the reasonableness of the proposed fees.

#### Assistance

(5) The Minister may appoint a person to assist in the review. The person has all the powers of a commissioner under Part I of the Inquiries Act.

#### Order to amend or eliminate fee

(6) The Minister may, by order, amend or eliminate a fee reviewed under subsection (4). The order comes into effect on the first day that the fee is charged.

#### Notice of order

(7) The response organization affected by the order must give notice of it in the prescribed manner.

#### Prescribed procedures, equipment and resources

171. Every response organization shall

- (a) have a response plan that meets the prescribed requirements;
- (b) have the prescribed equipment and resources at the site set out in the response plan;
- (c) provide or arrange for prescribed training to prescribed classes of persons;
- (d) undertake and participate in prescribed activities to evaluate the response plan or its implementation;
- (e) on the request of a vessel or the operator of an oil handling facility with which the response organization has an arrangement referred to in paragraph 167(1)(a) or 168(1)(a), as the case may be, implement a response consistent with the response plan; and
- (f) on the request of the Minister or an advisory council established under section 172, provide information regarding any of the matters referred to in paragraphs (a) to (e).

### **Social:**

Inspections by Marine Safety Inspectors and Others

Appointment of marine safety inspectors

11. (1) Marine safety inspectors are appointed or deployed under the Public Service Employment Act.

Authorizations

(2) The Minister of Transport may authorize a marine safety inspector to exercise any power or perform any duty or function of the Minister under this Act, including quasi-judicial powers and the administration of examinations referred to in subsection 16(2), or to carry out inspections under section 211, including the following:

- (a) inspections of hulls;
- (b) inspections of machinery;
- (c) inspections of equipment;
- (d) inspections respecting the protection of the marine environment for the purpose of Part 9 (Pollution Prevention — Department of Transport); and
- (e) inspections of cargo.

#### Certificate

(3) The Minister of Transport must furnish every marine safety inspector with a certificate of designation authorizing the inspector to carry out inspections under section 211 or to exercise any power or perform any duty or function of the Minister under this Act, including any quasi-judicial powers.

#### Duties and powers

(4) A marine safety inspector may exercise only those powers and perform only those duties and functions that are referred to in the inspector's certificate of designation.

#### Immunity

(5) Marine safety inspectors are not personally liable for anything they do or omit to do in good faith under this Act.

#### Authorizing others to inspect

12. (1) The Minister of Transport may authorize any person, classification society or other organization to issue any Canadian maritime document under this Act or to carry out inspections under section 211 if the Minister determines that the person, classification society or other organization is qualified to issue the document or carry out the inspection.

#### Certificate of authorization

(2) The Minister of Transport must furnish the person, classification society or other organization with a certificate of authorization specifying the documents they are authorized to issue, the inspections they are authorized to carry out and any limitations on the powers they may exercise under subsection 211(4).

#### Inspection records

(3) A person, classification society or other organization authorized to carry out inspections must keep a record of each inspection in the form and manner specified by the Minister of Transport and, on request, provide the record to the Minister.

#### Delivery of report

(4) A person, classification society or other organization that does not, in respect of anything

that they were authorized to inspect, issue a certificate because the requirements of the regulations have not been met must deliver their report in respect of that inspection to a marine safety inspector.

#### Immunity

(5) The person, classification society or other organization is not personally liable for anything they do or omit to do in good faith under this Act.

#### Audit

13. The Minister of Transport may authorize any person or class of persons to audit inspections carried out under section 211. The auditor may exercise the powers under that section of the person, classification society or other organization whose inspections are being audited.

##### Authorized Representative

##### Authorized representative

14. (1) Every Canadian vessel must have a person — the authorized representative — who is responsible under this Act for acting with respect to all matters relating to the vessel that are not otherwise assigned by this Act to any other person.

##### Authorized representative

(2) Subject to subsections (3) and (4), the authorized representative of a Canadian vessel is the owner of the vessel or, in the case of a vessel described in section 48 (a bare-boat chartered vessel), the bare-boat charterer.

##### Representative if more than one owner

(3) In the case of a Canadian vessel that is owned by more than one person, the owners must appoint one of themselves as the authorized representative.

##### Representative of foreign corporation

(4) In the case of a Canadian vessel that is owned by a corporation incorporated under the laws of a state other than Canada, the authorized representative must be

- (a) a subsidiary of the corporation incorporated under the laws of Canada or a province;
- (b) an employee or a director in Canada of a branch office of the corporation that is carrying on business in Canada; or
- (c) a ship management company incorporated under the laws of Canada or a province.

##### Acts or omissions of authorized representative binding

(5) The owner of a Canadian vessel is bound by the acts or omissions of their authorized representative with respect to the matters referred to in subsection (1).



15. [Repealed, 2001, c. 29, s. 72]

## PERSONNEL

### Interpretation

#### Definition of “Minister”

80. In this Part, “Minister” means the Minister of Transport.

### Application

#### Canadian vessels

81. This Part applies in respect of Canadian vessels, other than pleasure craft, everywhere.

Subsections 86(2) to (4) also apply in respect of foreign vessels in Canadian waters.

### Masters

#### Presentation of documents

82. (1) The master of a Canadian vessel shall ensure that every person who is employed in a position on board presents to the master all Canadian maritime documents that they are required under this Part to have for that position.

#### Sufficient and competent staff

(2) No master of a Canadian vessel shall operate it unless it is staffed with a crew that is sufficient and competent for the safe operation of the vessel on its intended voyage, and is kept so staffed during the voyage.

#### Obstruction prohibited

(3) No crew member shall wilfully obstruct a master’s operation of a Canadian vessel unless the master is, without just cause, putting at risk the safety of the vessel or of any person on board.

#### Detention of persons

83. (1) The master of a Canadian vessel may detain any person on board if the master has reasonable grounds to believe that it is necessary to do so to maintain good order and discipline on the vessel or for the safety of the vessel or of persons or property on board. The detention may last only as long as necessary to maintain order and discipline or to ensure the safety of persons or property.

#### Custody

(2) The master of a Canadian vessel on a voyage may take into custody without warrant any person on board who the master has reasonable grounds to believe has committed an offence under this Act or any other Act of Parliament, and must as soon as feasible deliver that person to a peace officer.

#### Use of force on a voyage

(3) The master of a Canadian vessel on a voyage is justified in using as much force as the master believes on reasonable grounds is necessary for the purpose of maintaining good order and discipline on the vessel, but the master must not use force that is intended or is likely to cause death or grievous bodily harm unless the master believes on reasonable grounds that it is necessary for self-preservation or the preservation of anyone on the vessel from death or grievous bodily harm.

#### Stowaways and Other Persons Liable for discipline

84. Every person whom the master of a Canadian vessel is compelled to take on board and convey, and every person who stows away on a Canadian vessel or hides in cargo that is subsequently loaded on a Canadian vessel, is, as long as the person remains on board, subject to the same rules and orders for preserving discipline, and to the same punishments for contravening the rules or orders constituting or tending to a breach of discipline, as are crew members.

#### Contract of Employment Masters' contracts

85. (1) In every contract of employment between the authorized representative and the master of a Canadian vessel there is implied, notwithstanding any agreement to the contrary, an obligation on the authorized representative that the authorized representative and every agent charged with loading the vessel, preparing it for a voyage or sending it on a voyage use all reasonable means to ensure its seaworthiness for the voyage when the voyage commences and to keep the vessel in a seaworthy condition during the voyage.

#### Crew members' contracts

(2) In every contract of employment between the authorized representative and a crew member of a Canadian vessel there is implied, notwithstanding any agreement to the contrary, an obligation on the authorized representative that the authorized representative, the master and every agent charged with loading the vessel, preparing it for a voyage or sending it on a voyage use all reasonable means to ensure its seaworthiness for the voyage when the voyage commences and to keep the vessel in a seaworthy condition during the voyage.

#### Exception

(3) Nothing in this section subjects the authorized representative of a Canadian vessel to any liability by reason of the vessel's being sent to sea in an unseaworthy condition if sending the vessel to sea in that condition was reasonable and justifiable in order to mitigate unsafe circumstances.

#### **Information:**

Notice of every exemption granted under subsection (2) or (3) must be published in the Canada Gazette.

**Infrastructure:**

Establishes VTS

**Physical Geography:**

Regulations made under this Act do not, unless they expressly provide otherwise, apply in respect of a Canadian vessel in the waters of a country other than Canada if the regulations are inconsistent with a law of that country that, by its terms, applies in respect of the vessel when in the waters of that country.

**Application of this Part**

8. This Part applies in respect of Canadian vessels everywhere and in respect of foreign vessels in Canadian waters, but regulations made under paragraph 35(1)(d) in respect of pollution apply, if they so state, in respect of foreign vessels in waters in the exclusive economic zone of Canada.

**Time:**

Enduring legislation

## **A.2.11 Overview: NORDREG Shipping Reporting Scheme**

**Lead Department:** Department of Fisheries and Oceans

### **Joint:**

Related to SAR duties and responsibilities

### **Interagency:**

GC provides a list of links of interest; [http://www.ccg-gcc.gc.ca/eng/CCG/MCTS\\_Links\\_Of\\_Interest](http://www.ccg-gcc.gc.ca/eng/CCG/MCTS_Links_Of_Interest)

### **Multinational:**

Applicable to all shipping in the Arctic irrespective of nationality

### **Public:**

Radio Aids to Marine Navigation 2010

This publication, published in two volumes, presents information on radio communications and radio navigational aids services provided in Canada by Department of Fisheries and Oceans Canada. Also included are radio facilities of other government agencies that contribute to the safety of ships in Canadian waters:

Atlantic Coast, Gulf and St. Lawrence River to Montreal, Eastern Arctic (including Hudson Bay and Strait), the Great Lakes (including St. Lawrence River to Montreal), and Lake Winnipeg and Pacific Coast, Western Arctic and the Athabasca-Mackenzie Watershed area.

Published in April of each year, amendments to the publication will be made known by radio broadcasts (Notices to Shipping) and/or in section 3 of the monthly edition of Notices to Mariners.

Every ship station fitted on a Canadian ship or on a non-Canadian ship engaged in the coasting trade of Canada, pursuant to the Ship Station (Radio) Regulations 1999, and all ships in waters under Canadian Jurisdiction, pursuant to the Charts and Nautical Publications Regulations, 1995, are required to carry the most recent applicable edition of Radio Aids to Marine Navigation.

This publication is available from authorized Canadian Hydrographic Services (CHS) Charts Dealers.

Any enquiries as to the contents of this publication should be directed to the nearest regional office (as indicated in Part 1) or by e-mail at [mctsctmottawa@dfo-mpo.gc.ca](mailto:mctsctmottawa@dfo-mpo.gc.ca).

Should you have a need for the document in a format other than Adobe PDF, please contact us by e-mail at [mctsctmottawa@dfo-mpo.gc.ca](mailto:mctsctmottawa@dfo-mpo.gc.ca).

**Political:**

NORDREG contributes to DFO's Mission for its VTS -

To provide Communications and Traffic Services for the marine community and for the benefit of the public at large to ensure:

Safety of life at sea in response to international agreements  
Protection of the environment through traffic management  
Efficient movement of shipping  
Information for business and the national interest

**Military:**

Military role within SAR is outlined in detail in National SAR Manual

**Economic:**

NORDREG Scheme is coherent with the economic pillar of Canada's Arctic Policy:

**Social:**

NORDREG Scheme is coherent with the sociological pillar of Canada's Arctic Policy:

**Information:**

Information required:

the name of the ship  
the radio call sign of the ship  
the name of the master of the ship  
the position of the ship  
the time the ship arrived at the position (utc)  
the course of the ship  
the speed of the ship  
the weather conditions (including ice, if any)  
estimated time of arrival of the ship in the zone  
estimated time the ship will depart the berth  
the destination of the ship  
the estimated time of arrival of the ship at the destination  
the route the ship intends to take through the Nordreg zone to arrive at destination  
the name of the last port of call of the ship  
the draft of the ship  
any dangerous goods, listed by class, or pollutant, that is carried on board the ship or vessel  
being towed or pushed by the ship  
revoked  
any defect in the ship's hull, main propulsion systems, steering systems, radars, compasses, radio equipment, anchors or cables  
any discharge, or threat of discharge, of a pollutant from the ship into the water, and any damage to the ship that may result in the discharge of a pollutant from the ship into the water  
the name of the Canadian or United States agent of the ship  
the date of expiration of a certificate referred to in Article VII of the International Convention on

Civil Liability for Oil Pollution Damage, 1969, the International Oil Pollution Prevention Certificate, the International Noxious Liquid Substance Certificate, the Certificate of Fitness or the Certificate of Compliance, if any, issued to the ship  
ice class (type or Arctic class category), if applicable, and classification society  
amount of oil on board (fuel and cargo), if such amount exceeds 453 m<sup>3</sup>  
date of issue of Arctic Pollution Prevention Certificate (APPC), if carried and name of classification society.

**Infrastructure:**

Please forward your information to Iqaluit MCTS via radio, facsimile, telex or telephone.

Iqaluit MCTS  
P.O. Box 189  
Iqaluit, NT  
X0A 0H0  
Telephone: 867-979-5269  
Fax: 867-979-4236

NORDREG  
Iqaluit MCTS  
P.O. Box 189  
Iqaluit, NT  
X0A 0H0  
Telephone: 867-979-5724  
Fax: 867-979-4264  
Telex (telefax): 063-15529  
Telegraphic Identifier - NORDREG CANADA

**Physical Geography:**

Limited to North of 60 North

**Time:**

Enduring

## **A.2.12 Overview: Canada Marine Act**

**Lead Department:** Transport Canada

**Joint:**

N/A

**Interagency:**

Port Authority should be seen as government player in response to any incident - RE EX HS 09 and limitations of activities placed upon Port of Halifax

**Multinational:**

N/A

**Public:**

Capacity and Powers

28. (1) A port authority is incorporated for the purpose of operating the port in respect of which its letters patent are issued and, for that purpose and for the purposes of this Act, has the powers of a natural person.

Activities

(2) The power of a port authority to operate a port is limited to the power to engage in

(a) port activities related to shipping, navigation, transportation of passengers and goods, handling of goods and storage of goods, to the extent that those activities are specified in the letters patent; and

(b) other activities that are deemed in the letters patent to be necessary to support port operations.

Carrying on activities

(3) The activities that a port authority may engage in under paragraph (2)(b) may be carried on by the port authority directly or through a wholly-owned subsidiary of the port authority. The port authority and the subsidiary are not agents of Her Majesty in right of Canada for the purpose of engaging in those activities.

Restrictions

(4) A port authority shall not carry on any activity or exercise any power that it is restricted by its letters patent from carrying on or exercising, nor shall it carry on any activity or exercise any power in a manner contrary to its letters patent or this Act.

Contracts

(5) A port authority or wholly-owned subsidiary of a port authority that enters into a contract other than as agent of Her Majesty in right of Canada shall do so in its own name. It shall



expressly state in the contract that it is entering into the contract on its own behalf and not as agent of Her Majesty in right of Canada. For greater certainty, the contracts to which this subsection applies include a contract for the borrowing of money.

Compliance with code

(5.1) If a port authority that is subject to a code governing its power to borrow enters into a contract, or executes any other document, for the borrowing of money, the document shall include an express statement that the borrowing complies with the code.

### **Political:**

#### **PURPOSE**

Purpose of the Act

4. In recognition of the significance of marine transportation to Canada and its contribution to the Canadian economy, the purpose of this Act is to

(a) implement marine policies that provide Canada with the marine infrastructure that it needs and that offer effective support for the achievement of national, regional and local social and economic objectives and will promote and safeguard Canada's competitiveness and trade objectives;

(a.1) promote the success of ports for the purpose of contributing to the competitiveness, growth and prosperity of the Canadian economy;

(b) base the marine infrastructure and services on international practices and approaches that are consistent with those of Canada's major trading partners in order to foster harmonization of standards among jurisdictions;

(c) ensure that marine transportation services are organized to satisfy the needs of users and are available at a reasonable cost to the users;

(d) provide for a high level of safety and environmental protection;

(e) provide a high degree of autonomy for local or regional management of components of the system of services and facilities and be responsive to local needs and priorities;

(f) manage the marine infrastructure and services in a commercial manner that encourages, and takes into account, input from users and the community in which a port or harbour is located;

(g) provide for the disposition, by transfer or otherwise, of certain ports and port facilities; and

(h) promote coordination and integration of marine activities with surface and air transportation systems.

### **Military:**

Does not cover military ports or installations - Dockyards and military installations are covered under NDA and orders in council.

### **Economic:**

The fees fixed under paragraphs (1)(a) and (b) do not apply in respect of a Canadian warship, naval auxiliary ship or other ship under the command of the Canadian Forces, a ship of a visiting force within the meaning of the Visiting Forces Act or any other ship while it is under the command of the Royal Canadian Mounted Police.

## Public Ports:

### Fees

#### Fixing of fees

67. (1) The Minister may fix the fees to be paid in respect of

- (a) ships, vehicles, aircraft and persons coming into or using a public port or public port facility;
- (b) goods loaded on ships, unloaded from ships or transhipped by water within the limits of a public port or stored in, or moved across, a public port facility; and
- (c) any service provided by the Minister, or any right or privilege conferred by the Minister, in respect of the operation of a public port or public port facility.

#### Interest

(2) The Minister may fix the interest rate to be charged on overdue fees.

#### Application to Crown

(3) The fees and the interest rate may be made binding on Her Majesty in right of Canada or a province.

#### Application to military and police ships

(4) The fees fixed under paragraphs (1)(a) and (b) do not apply in respect of a Canadian warship, naval auxiliary ship or other ship under the command of the Canadian Forces, a ship of a visiting force within the meaning of the Visiting Forces Act or any other ship while it is under the command of the Royal Canadian Mounted Police.

### Services

68. The Minister may enter into agreements to provide services, rights or privileges, as the Minister considers appropriate, at a public port or public port facility and may agree by contract to accept fees other than those fixed under subsection 67(1) for those services, rights and privileges.

## **Social:**

### Official Languages

54. The Official Languages Act applies to a port authority as a federal institution within the meaning of that Act.

### ABORIGINAL RIGHTS

#### Aboriginal rights

3. For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the application of section 35 of the Constitution Act, 1982 to existing aboriginal or treaty rights of the aboriginal peoples of Canada.

**Information:**

Port Traffic Control

Traffic control zones

56. (1) Subject to any regulations made under section 62, a port authority may, for the purpose of promoting safe and efficient navigation or environmental protection in the waters of the port, with respect to ships or classes of ships,

- (a) monitor ships about to enter or within the waters of the port;
- (b) establish the practices and procedures to be followed by ships;
- (c) require ships to have the capacity to use specified radio frequencies; and
- (d) establish traffic control zones for the purposes of paragraphs (a) to (c).

Clearance of ships to enter waters of a port

(2) Subject to any regulations made under section 62, a port authority may

- (a) require information to be given, for the purpose of obtaining a traffic clearance, by ships or classes of ships about to enter the port or within the port;
- (b) impose the conditions under which a traffic clearance is to be granted; and
- (c) require information to be given by ships after they have obtained a traffic clearance.

Consistency

(3) Subject to any regulations made under section 62, practices and procedures established by a port authority under subsection (1) shall not be inconsistent with national standards and practices for marine vessel traffic services, in particular those established under the Canada Shipping Act, 2001.

1998, c. 10, s. 56; 2001, c. 26, s. 276; 2008, c. 21, s. 30(F).

Notice

57. (1) A port authority shall take reasonable steps to bring notice of each practice and procedure proposed under paragraph 56(1)(b) to the attention of persons likely to be affected by it at least thirty days before the proposed effective date of the measure, and a reasonable opportunity within those thirty days shall be given to ship owners, masters, persons in charge of ships and other interested persons to make representations to the port authority with respect to it.

Content of notice

(2) The notice shall include information as to where a copy of the proposed measure, including any related documents necessary to understand it, may be obtained and an invitation to any interested person to make representations to the port authority with respect to it within those thirty days.

#### Adoption of measures

(3) After the port authority considers any representations made by interested persons with respect to a proposed measure, it may adopt the measure.

#### Notice of adopted measure

(4) The port authority shall take reasonable steps to bring notice of each measure that it adopts, together with notice of the place at which a copy of the measure may be obtained, to the attention of persons likely to be affected by it.

#### Exception

(5) Subsection (1) does not apply to a measure

- (a) notice of which has been given pursuant to that subsection, whether or not it has been changed as a result of representations made pursuant to that subsection; or
- (b) that makes no substantive change to an existing measure.

#### Emergency situations

(6) Subsection (1) does not apply where the port authority is satisfied that an urgent situation exists, but the port authority shall take reasonable steps to bring notice of the measure to the attention of any person likely to be affected by it as soon as possible after it comes into force.

#### Traffic control

58. (1) For the purpose of promoting safe and efficient navigation or environmental protection, a port authority may designate a person or a member of a class of persons, each of whom shall be furnished with a certificate of designation, to exercise the following powers with respect to ships about to enter or within the port or an area of the port:

- (a) give a traffic clearance to a ship to enter, leave or proceed within the port or any area of the port;
- (b) direct the master, the person in charge of the deck watch or any other person in charge of a ship or the pilot to provide information in respect of the ship specified by the designated person;
- (c) direct a ship to use specified radio frequencies in communications with the port station or other ships; and
- (d) subject to subsection (2), direct a ship, at a specified time or between specified times,
  - (i) to leave a dock, berth or other port facility,
  - (ii) to leave or refrain from entering any area, or
  - (iii) to proceed to or remain at a specified location.

## Preconditions

(2) A person designated under subsection (1) may direct a ship to do or refrain from doing anything described in paragraph (1)(d) only if the person believes on reasonable grounds that any of the following circumstances exist:

- (a) the non-availability of a berth required for the ship;
- (b) pollution or a reasonable apprehension of pollution in the traffic control zone;
- (c) the proximity of animals whose well-being could be endangered by the movement of the ship;
- (d) an obstruction to navigation in the traffic control zone;
- (e) the proximity of a ship in apparent difficulty or presenting a pollution threat or other hazard to life or property;
- (f) the proximity of a ship navigating in an unsafe manner or with improperly functioning navigation equipment or radio equipment, or without charts or publications required by regulations made under paragraph 120(1)(b) of the Canada Shipping Act, 2001;
- (g) vessel traffic congestion that constitutes an unacceptable risk to shipping, navigation, the public or the environment; or
- (h) the efficiency of port operations could be compromised.

## Prohibition

(3) No ship shall

- (a) if it is required to obtain a traffic clearance, enter, leave or proceed within a port or a traffic control zone without having obtained the clearance; or
- (b) if required to maintain direct communication with a person designated under subsection (1), proceed within a port or a traffic control zone unless it is able to do so.

1998, c. 10, s. 58; 2001, c. 26, s. 277; 2008, c. 21, s. 31.

## Offences and punishment

59. (1) Subject to subsection (2), a person or ship is guilty of an offence and liable to a fine of not more than \$5,000 where the offence is committed in respect of a ship of twenty metres in length or less, or to a fine of not more than \$50,000 where the offence is committed in respect of a ship exceeding twenty metres in length, if the person or ship

- (a) does not follow the practices and procedures established by a port authority under paragraph 56(1)(b) or have the capacity to use the radio frequencies specified by the port authority under that paragraph;
- (b) does not do what a person designated under subsection 58(1) requires the person or the ship to do under that subsection;
- (c) fails to comply with subsection 58(3); or
- (d) knowingly makes a false or misleading statement, either orally or in writing, to a person designated under subsection 58(1).

Defence available in certain cases

(2) It is a defence to a charge under subsection (1) that the master, the person in charge of the deck watch or other person in charge of the ship or the pilot

(a) had reasonable grounds to believe that compliance would have imperilled life, the ship or any other ship or any property; and

(b) in the case of a charge under paragraph (1)(b), had notified the person designated under subsection 58(1) of the non-compliance and of the reasons for it as soon as possible after it took place.

Proof of offence by ship

(3) Where a ship is prosecuted for an offence under this section, it is sufficient proof that the ship has committed the offence to establish that the act or omission that constitutes the offence was committed by the master of the ship or any person on board the ship, whether or not the person on board has been identified.

1998, c. 10, s. 59; 2008, c. 21, s. 32.

Application to military and police ships

60. For greater certainty, Canadian warships, naval auxiliary ships and other ships under the command of the Canadian Forces, ships of a visiting force within the meaning of the Visiting Forces Act and any other ships while they are under the command of the Royal Canadian Mounted Police have access to Canadian ports.

### **Infrastructure:**

Property

Federal Real Property and Federal Immovables Act

44. (1) For the purposes of the Federal Real Property and Federal Immovables Act, the Minister has the administration of the federal real property and federal immovables of a port in respect of which letters patent have been issued to the port authority, other than property the administration of which is under any other member of the Queen's Privy Council for Canada.  
Management

(2) The Minister may, by letters patent or supplementary letters patent, give to a port authority the management of any federal real property or federal immovable that is administered by

(a) the Minister under subsection (1); or

(b) any other member of the Queen's Privy Council for Canada, if the Minister has the consent of that other member.

Non-application

(3) If the Minister gives the management of any federal real property or federal immovable to a port authority, the Federal Real Property and Federal Immovables Act does not apply to that property, other than sections 3, 5, 12 to 14 and 16 to the extent that those sections are not

inconsistent with this Act.

#### Surplus Crown Assets Act

(4) The Surplus Crown Assets Act does not apply to a port authority.

#### Notice to Minister

(5) If a port authority is of the opinion that any real property or immovable is no longer required for port purposes, it shall so inform the Minister.

#### Holding of real property and immovables

(6) A port authority may manage, occupy or hold only the real property and immovables set out in its letters patent.

1998, c. 10, s. 44; 2001, c. 4, s. 140; 2008, c. 21, s. 22.

#### Powers and obligations when management given

45. (1) When the Minister has given the management of any federal real property or federal immovable to a port authority, the port authority

- (a) need not pay compensation for the use of that property;
- (b) may retain and use the revenue received in respect of that property for the purpose of operating the port;
- (c) shall undertake and defend any legal proceedings, subject to any instructions that may be provided by the Attorney General of Canada, with respect to that property; and
- (d) shall discharge all obligations and liabilities with respect to that property.

#### Legal proceedings

(2) A civil, criminal or administrative action or proceeding shall be taken by or against a port authority and not by or against the Crown with respect to

- (a) any personal property or movable owned by that port authority;
- (b) any federal real property or federal immovable that it manages;
- (c) any real property or immovable that it holds; and
- (d) any act or omission relating to any property referred to in paragraphs (a) to (c).

#### Leases and licences

(3) A port authority may, for the purpose of operating the port, lease or license any federal real property or federal immovable that it manages, subject to the limits in the port authority's letters patent on its authority to contract as agent for Her Majesty in right of Canada. The term of the lease or licence may not be more than the maximum term that the letters patent set out for such a lease or licence.

## Powers

(3.1) The port authority may exercise the powers under subsection (3) to the same extent as Her Majesty could exercise those powers and may, instead of Her Majesty, execute and deliver the documents required for that purpose.

## Temporary use

(3.2) A port authority may lease or license any federal real property or federal immovable it manages for temporary use under paragraph 28(2)(a).

## Application of provincial law

(4) A lease or licence of any federal real property or federal immovable may be effected by any instrument by which, under the laws in force in the province in which that property is situated, real property or immovables may be leased or a licence may be granted by a private person.

1998, c. 10, s. 45; 2001, c. 4, s. 141; 2008, c. 21, s. 23.

## Acquisition of real property and immovables

45.1 (1) Her Majesty in right of Canada may acquire any real property or immovable for the purpose of operating a port at the request of the port authority and the port authority may pay the price of the property in question.

### Removal of management

(2) If the management of the real property or immovable acquired under subsection (1) is removed from the port authority, Her Majesty does not become liable to the port authority for any portion of the price paid by it.

2008, c. 21, s. 24.

## Disposition of federal real property and federal immovables

46. (1) Subject to subsection 45(3), a port authority may not dispose of any federal real property or federal immovable that it manages but it may

(a) without the issuance of supplementary letters patent, grant a road allowance, an easement, a real servitude, a right of way or a licence for utilities, services or access; and

(b) to the extent authorized in the letters patent,

(i) exchange that property for other real property or immovables of comparable value, if supplementary letters patent that describe the other property as federal real property or federal immovables have been issued, and

(ii) dispose of fixtures on federal real property and federal immovables.



## Powers

(1.1) The port authority may exercise the powers under paragraph (1)(a) or (b) to the same extent as Her Majesty could exercise those powers and may, instead of Her Majesty, execute and deliver the documents required for that purpose.

## Other real property and immovables

(2) A port authority may dispose of any real property or immovable that it holds, other than federal real property or federal immovables, if supplementary letters patent have been issued, and, without the issuance of supplementary letters patent, it may grant a road allowance, an easement, a real servitude, a right of way or a licence for utilities, services or access.

## Acquisition, lease or license of real property and immovables

(2.1) The port authority may acquire, lease as lessee or license as licensee real property or immovables other than federal real property or federal immovables, if supplementary letters patent have been issued.

## Temporary use

(2.2) A port authority may lease or license any real property or immovable it holds, other than federal real property or federal immovables, for temporary use under paragraph 28(2)(b).

## Application of provincial law

(3) A grant may be effected by any instrument by which an interest in real property or a right in an immovable may be granted by a private person under the laws in force in the province in which the federal real property or federal immovable is situated.

1998, c. 10, s. 46; 2001, c. 4, s. 141; 2008, c. 21, s. 25.

## Navigable Waters Protection Act

47. The Navigable Waters Protection Act does not apply to a work, within the meaning of that Act, that has been exempted by a regulation made under section 62.

1998, c. 10, s. 47; 2008, c. 21, s. 26.

## Land-use plan

48. (1) A port authority shall, within twelve months after the issuance of its letters patent, develop a detailed land-use plan that contains objectives and policies for the physical development of the real property and immovables that it manages, holds or occupies and that takes into account relevant social, economic and environmental matters and zoning by-laws that apply to neighbouring lands.

## Contents of plan

### (2) The land-use plan may

- (a) prohibit the use of some or all of the real property and immovables for, or except for, certain purposes;
- (b) prohibit the erecting of structures or works or certain types of structures or works; and
- (c) subject to any regulations made under section 62, regulate the type of structures or works that may be erected.

#### Existing structures

### (3) A land-use plan shall not have the effect of preventing

- (a) the use of any real property or immovable existing on the day on which the land-use plan comes into force for the purpose for which it was used on that day, so long as it continues to be used for that purpose; or
- (b) the erecting or alteration of a structure or work that was authorized before the day on which the land-use plan comes into force if the erecting or alteration is carried out in accordance with the authorization.

#### Publication of notice

- (4) A port authority shall, at least sixty days before the coming into force of a land-use plan, have notice of the plan published in a major newspaper published or distributed in the place where the port is situated.

#### Content of notice

- (5) The notice shall include information as to where a copy of the plan, including any related documents necessary to understand it, may be obtained and an invitation to any interested person to make representations to the port authority with respect to the proposed plan within those sixty days and to attend a public meeting at a specified time and place.

#### Adoption of plan

- (6) After the port authority considers any representations made by interested persons with respect to a proposed plan, it may adopt the plan.

#### Notice of adopted plan

- (7) The port authority shall have notice of each land-use plan that it adopts, together with notice of the place at which a copy of the plan may be obtained, published in a major newspaper published or distributed in the place where the port is situated.

#### Exception

(8) A port authority need not comply with subsections (4) to (7) in respect of a proposed land-use plan that

(a) has previously been published pursuant to subsection (4), whether or not it has been changed as a result of representations made pursuant to subsection (5); or

(b) makes no substantive change to an existing plan.

Statutory Instruments Act

(9) Land-use plans are not regulations within the meaning of the Statutory Instruments Act.

1998, c. 10, s. 48; 2001, c. 4, s. 142.

Property

Federal Real Property and Federal Immovables Act

44. (1) For the purposes of the Federal Real Property and Federal Immovables Act, the Minister has the administration of the federal real property and federal immovables of a port in respect of which letters patent have been issued to the port authority, other than property the administration of which is under any other member of the Queen's Privy Council for Canada.

Management

(2) The Minister may, by letters patent or supplementary letters patent, give to a port authority the management of any federal real property or federal immovable that is administered by

(a) the Minister under subsection (1); or

(b) any other member of the Queen's Privy Council for Canada, if the Minister has the consent of that other member.

Non-application

(3) If the Minister gives the management of any federal real property or federal immovable to a port authority, the Federal Real Property and Federal Immovables Act does not apply to that property, other than sections 3, 5, 12 to 14 and 16 to the extent that those sections are not inconsistent with this Act.

Surplus Crown Assets Act

(4) The Surplus Crown Assets Act does not apply to a port authority.

Notice to Minister

(5) If a port authority is of the opinion that any real property or immovable is no longer required for port purposes, it shall so inform the Minister.

Holding of real property and immovables

(6) A port authority may manage, occupy or hold only the real property and immovables set out in its letters patent.

1998, c. 10, s. 44; 2001, c. 4, s. 140; 2008, c. 21, s. 22.

Powers and obligations when management given

45. (1) When the Minister has given the management of any federal real property or federal immovable to a port authority, the port authority

(a) need not pay compensation for the use of that property;

(b) may retain and use the revenue received in respect of that property for the purpose of operating the port;

(c) shall undertake and defend any legal proceedings, subject to any instructions that may be provided by the Attorney General of Canada, with respect to that property; and

(d) shall discharge all obligations and liabilities with respect to that property.

### **Physical Geography:**

Fixing limits of port

(5) For the purposes of subsection (4), the Minister may fix the limits of a non-corporate port that is to be managed by a port authority and settle any question that arises in respect of the property, rights or obligations of the port authority.

1998, c. 10, s. 12; 2001, c. 4, s. 137; 2008, c. 21, s. 8.

## **PART 2**

### **PUBLIC PORTS**

Designation by Governor in Council

Designation by regulation

65. (1) The Governor in Council may, by regulation,

(a) designate as a public port any navigable waters within the jurisdiction of Parliament and any land covered by the navigable waters, if the land is under the administration of the Minister, including any related foreshore;

(b) define the limits of a public port; and

(c) designate any port facility under the administration of the Minister as a public port facility.

Deemed public ports

(2) Every port and port facility that on the coming into force of this section was a public harbour or public port facility to which the Public Harbours and Port Facilities Act applied is deemed to have been designated under subsection (1).

#### Deemed public ports

(3) With the exception of a port for which a port authority is incorporated under Part 1, every port and facility to which the Canada Ports Corporation Act applied on the coming into force of this section is deemed to have been designated under subsection (1).

#### Deemed public ports

(4) For greater certainty, the Governor in Council may make regulations under subsection (1) in respect of any public harbour or public port facility that is deemed under subsection (2) or (3) to have been designated and, in the case of a public port, define its limits.

#### Evidence of limits of navigable waters

(5) The Minister may have marks or signs erected to indicate the limits of the navigable waters of a public port and every mark or sign so erected is evidence of the limits of those waters.

#### Repeal of designations

(6) The Governor in Council may, by regulation, repeal the designation of a public port or public port facility made or deemed to have been made under this section.

#### Orders continued

(7) A termination order made under subsection 8(2) of the Public Harbours and Port Facilities Act is deemed to be a regulation made under subsection (6) and continues in force until it is repealed under the latter subsection.

1998, c. 10, s. 65; 2008, c. 21, s. 35.

#### Federal Real Property and Federal Immovables Act

66. (1) For the purposes of the Federal Real Property and Federal Immovables Act, the Minister has the administration of the federal real property and federal immovables that form part of a public port or public port facility.

#### Other ports and facilities

(2) The Minister does not have the administration of the federal real property and federal immovables that are under the administration of any other member of the Queen's Privy Council for Canada.

#### Power of Minister

(3) For greater certainty, the repeal of the designation of a public port or public port facility does

not terminate the application of the Federal Real Property and Federal Immovables Act to the federal real property and federal immovables that formed part of the port or facility and that are owned by Her Majesty in right of Canada.

1998, c. 10, s. 66; 2001, c. 4, s. 144; 2008, c. 21, s. 36(F).

**Time:**

Enduring legislation

## **A.2.13 Overview: Canada Transportation Act**

**Lead Department:** Transport Canada

**Joint:**

N/A

Non-application of Part

56. (1) This Part does not apply to a person that uses an aircraft on behalf of the Canadian Armed Forces or any other armed forces cooperating with the Canadian Armed Forces.  
Specialty service exclusion

**Interagency:**

(2) This Part does not apply to the operation of an air flight training service, aerial inspection service, aerial construction service, aerial photography service, aerial forest fire management service, aerial spraying service or any other prescribed air service.

Emergency service exclusion

(3) This Part does not apply to the provision of an air service if the federal government or a provincial or a municipal government declares an emergency under federal or provincial law, and that government directly or indirectly requests that the air service be provided to respond to the emergency.

**Multinational:**

Concerned with Canadian Transportation Industry - there are enshrined cabotage restrictions which operate across North America

Ministerial Directions for International Service  
Minister may issue directions

76. (1) Where the Minister determines that it is necessary or advisable to provide direction to the Agency in respect of the exercise of any of its powers or the performance of any of its duties or functions under this Part relating to international service,  
(a) in the interest of the safety or security of international civil aviation,  
(b) in connection with the implementation or administration of an international agreement, convention or arrangement respecting civil aviation to which Canada is a party,  
(c) in the interest of international comity or reciprocity,  
(d) for the purpose of enforcing Canada's rights under an international agreement, convention or arrangement respecting civil aviation or responding to acts, policies or practices by a contracting party to any such agreement, convention or arrangement, or by an agency or citizen of such a party, that adversely affect or lead either directly or indirectly to adverse effects on

Canadian international civil aviation services, or  
(e) in connection with any other matter concerning international civil aviation as it affects the public interest,  
the Minister may, subject to subsection (3), issue to the Agency directions that, notwithstanding any other provision of this Part, are binding on, and shall be complied with by, the Agency in the exercise of its powers or the performance of its duties or functions under this Part relating to international service.  
Nature of directions

(2) Directions issued under subsection (1) may relate to

- (a) persons or classes of persons to whom licences to operate an international service shall or shall not be issued;
- (b) the terms and conditions of such licences, or their variation;
- (c) the suspension or cancellation of such licences; and
- (d) any other matter concerning international service that is not governed by or under the Aeronautics Act.

Concurrence required for certain directions

(3) A direction by the Minister relating to a matter referred to in paragraph (1)(c), (d) or (e) may be issued only with the concurrence of the Minister of Foreign Affairs.

### **Public:**

Industry Review

Industry overview

52. (1) Each year before the end of May, the Minister shall, using the most current information available, prepare and lay before both Houses of Parliament a report providing a brief overview of the state of transportation in Canada.

Industry review

(2) Every five years, the report referred to in subsection (1) shall be expanded to a comprehensive review of the state of transportation in Canada which shall include

- (a) the financial performance of each mode of transportation and its contribution to the Canadian economy;
  - (b) the extent to which carriers and modes of transportation were provided resources, facilities and services at public expense;
  - (c) the extent to which carriers and modes of transportation received compensation, indirectly and directly, for the resources, facilities and services that were required to be provided as an imposed public duty;
  - (c.1) the long term outlook and trends in transportation in Canada; and
  - (d) any other transportation matters that the Minister considers appropriate.
- 1996, c. 10, s. 52; 2007, c. 19, s. 11.



**Political:**

(3) A direction by the Minister relating to a matter referred to in paragraph (1)(c), (d) or (e) may be issued only with the concurrence of the Minister of Foreign Affairs & Govt Policy Establishment of TCA

**NATIONAL TRANSPORTATION POLICY  
Declaration**

5. It is declared that a competitive, economic and efficient national transportation system that meets the highest practicable safety and security standards and contributes to a sustainable environment and makes the best use of all modes of transportation at the lowest total cost is essential to serve the needs of its users, advance the well-being of Canadians and enable competitiveness and economic growth in both urban and rural areas throughout Canada. Those objectives are most likely to be achieved when

- (a) competition and market forces, both within and among the various modes of transportation, are the prime agents in providing viable and effective transportation services;
- (b) regulation and strategic public intervention are used to achieve economic, safety, security, environmental or social outcomes that cannot be achieved satisfactorily by competition and market forces and do not unduly favour, or reduce the inherent advantages of, any particular mode of transportation;
- (c) rates and conditions do not constitute an undue obstacle to the movement of traffic within Canada or to the export of goods from Canada;
- (d) the transportation system is accessible without undue obstacle to the mobility of persons, including persons with disabilities; and
- (e) governments and the private sector work together for an integrated transportation system.

**Military:**

CF excluded from Act

**Economic:**

High level focus to ensure transportation system works in conjunction with healthy and vibrant economy

**Social:**

Focus upon ensuring all regional economies are supported by national transportation system

**Information:**

Powers of Agency

Policy governs Agency

24. The powers, duties and functions of the Agency respecting any matter that comes within its jurisdiction under an Act of Parliament shall be exercised and performed in conformity with any policy direction issued to the Agency under section 43.

Agency powers in general

25. The Agency has, with respect to all matters necessary or proper for the exercise of its jurisdiction, the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders or regulations and the entry on and inspection of property, all the powers, rights and privileges that are vested in a superior court.

Power to award costs

25.1 (1) Subject to subsections (2) to (4), the Agency has all the powers that the Federal Court has to award costs in any proceeding before it.

Costs may be fixed or taxed

(2) Costs may be fixed in any case at a sum certain or may be taxed.

Payment

(3) The Agency may direct by whom and to whom costs are to be paid and by whom they are to be taxed and allowed.

Scale

(4) The Agency may make rules specifying a scale under which costs are to be taxed.

Compelling observance of obligations

26. The Agency may require a person to do or refrain from doing anything that the person is or may be required to do or is prohibited from doing under any Act of Parliament that is administered in whole or in part by the Agency.

Relief

27. (1) On an application made to the Agency, the Agency may grant the whole or part of the application, or may make any order or grant any further or other relief that to the Agency seems just and proper.

(2) and (3) [Repealed, 2008, c. 5, s. 1]

Amendments

(4) The Agency may, on terms or otherwise, make or allow any amendments in any proceedings before it.

(5) [Repealed, 2008, c. 5, s. 1]

1996, c. 10, s. 27; 2008, c. 5, s. 1.

Orders

28. (1) The Agency may in any order direct that the order or a portion or provision of it shall

come into force

(a) at a future time,

(b) on the happening of any contingency, event or condition specified in the order, or

(c) on the performance, to the satisfaction of the Agency or a person named by it, of any terms that the Agency may impose on an interested party,

and the Agency may direct that the whole or any portion of the order shall have force for a limited time or until the happening of a specified event.

Interim orders

(2) The Agency may, instead of making an order final in the first instance, make an interim order and reserve further directions either for an adjourned hearing of the matter or for further application.

Time for making decisions

29. (1) The Agency shall make its decision in any proceedings before it as expeditiously as possible, but no later than one hundred and twenty days after the originating documents are received, unless the parties agree to an extension or this Act or a regulation made under subsection (2) provides otherwise.

Period for specified classes

(2) The Governor in Council may, by regulation, prescribe periods of less than one hundred and twenty days within which the Agency shall make its decision in respect of such classes of proceedings as are specified in the regulation.

Pending proceedings

30. The fact that a suit, prosecution or proceeding involving a question of fact is pending in any court does not deprive the Agency of jurisdiction to hear and determine the same question of fact.

Fact finding is conclusive

31. The finding or determination of the Agency on a question of fact within its jurisdiction is binding and conclusive.

Review of decisions and orders

32. The Agency may review, rescind or vary any decision or order made by it or may re-hear any application before deciding it if, in the opinion of the Agency, since the decision or order or the hearing of the application, there has been a change in the facts or circumstances pertaining to the decision, order or hearing.

Enforcement of decision or order

33. (1) A decision or order of the Agency may be made an order of the Federal Court or of any superior court and is enforceable in the same manner as such an order.

Procedure

(2) To make a decision or order an order of a court, either the usual practice and procedure of the court in such matters may be followed or the Secretary of the Agency may file with the registrar of the court a certified copy of the decision or order, signed by the Chairperson and sealed with the Agency's seal, at which time the decision or order becomes an order of the court.

#### Effect of variation or rescission

(3) Where a decision or order that has been made an order of a court is rescinded or varied by a subsequent decision or order of the Agency, the order of the court is deemed to have been cancelled and the subsequent decision or order may be made an order of the court.

#### Option to enforce

(4) The Agency may, before or after one of its decisions or orders is made an order of a court, enforce the decision or order by its own action.

1996, c. 10, s. 33; 2002, c. 8, s. 122; 2006, c. 11, s. 17; 2007, c. 19, s. 6.

#### Fees

34. (1) The Agency may, by rule, fix the fees that are to be paid to the Agency in respect of applications made to it, including applications for licences or permits and applications for amendments to or for the renewal of licences or permits, and any other matters brought before or dealt with by the Agency.

#### Advance notice to Minister

(2) The Agency shall give the Minister notice of every rule proposed to be made under subsection (1).

#### Fees for witnesses

35. Every person summoned to attend before the Agency under this Part or before a person making an inquiry under this Part shall receive the fees and allowances for so doing that the Agency may, by regulation, prescribe.

#### Approval of regulations required

36. (1) Every regulation made by the Agency under this Act must be made with the approval of the Governor in Council.

#### Advance notice of regulations

(2) The Agency shall give the Minister notice of every regulation proposed to be made by the Agency under this Act.

## Mediation

### Request by parties

36.1 (1) If there is a dispute concerning a matter within the Agency's jurisdiction, all the parties to the dispute may, by agreement, make a request to the Agency for mediation. On receipt of the request, the Agency shall refer the dispute for mediation.

### Appointment of mediator

(2) When a dispute is referred for mediation, the Chairperson shall appoint one or two persons to mediate the dispute.

### Mediator not to act in other proceedings

(3) A person who is appointed to mediate a dispute may not act in any other proceedings before the Agency in relation to that matter.

### Confidentiality of mediation

(4) All matters relating to the mediation of a dispute shall be kept confidential, unless the parties to the dispute otherwise agree, and information provided by a party for the purposes of mediation shall not be used for any other purpose without the consent of that party.

### Time limit for completion of mediation

(5) Unless the parties to a dispute otherwise agree, the mediation of the dispute shall be completed within 30 days after the dispute is referred for mediation.

### Effect of mediation on proceedings

(6) The mediation has the effect of

(a) staying for the period of the mediation any proceedings before the Agency in so far as they relate to a matter that is the subject of the mediation; and

(b) extending the time within which the Agency may make a decision or determination under this Act with regard to those proceedings by the period of the mediation.

### Filing of mediation agreement

(7) An agreement that is reached as a result of mediation may be filed with the Agency and, after filing, is enforceable as if it were an order of the Agency.

2007, c. 19, s. 7.

## Mediation or Arbitration

### Request by all parties

36.2 (1) If sections 36.1 and 169.1 do not apply, the Agency may mediate or arbitrate a dispute relating to any railway matter covered under Part III or IV, or to the application of any rate or charge for the movement of goods by railways or for the provision of incidental services, if requested to do so by all parties to the dispute.

#### Establishment of roster

(1.1) The Agency may establish a roster of persons, which may include members and staff of the Agency, to act as mediators or arbitrators.

#### Reimbursement of costs

(2) The parties are jointly and severally, or solidarily, liable to reimburse the Agency its costs arising from the mediation or arbitration.

#### Mediator not to act in other proceedings

(3) The person who acts as mediator or arbitrator may not act in any other proceedings before the Agency in relation to any matter that was at issue in the mediation or arbitration.

2007, c. 19, s. 7; 2008, c. 5, ss. 8, 9.

#### Inquiries

##### Inquiry into complaint

37. The Agency may inquire into, hear and determine a complaint concerning any act, matter or thing prohibited, sanctioned or required to be done under any Act of Parliament that is administered in whole or in part by the Agency.

##### Appointment of person to conduct inquiry

38. (1) The Agency may appoint a member, or an employee of the Agency, to make any inquiry that the Agency is authorized to conduct and report to the Agency.

##### Dealing with report

(2) On receipt of the report under subsection (1), the Agency may adopt the report as a decision or order of the Agency or otherwise deal with it as it considers advisable.

#### Powers on inquiry

39. A person conducting an inquiry may, for the purposes of the inquiry,

(a) enter and inspect any place, other than a dwelling-house, or any structure, work, rolling stock or ship that is the property or under the control of any person the entry or inspection of which appears to the inquirer to be necessary; and

(b) exercise the same powers as are vested in a superior court to summon witnesses, enforce their attendance and compel them to give evidence and produce any materials, books, papers,

plans, specifications, drawings and other documents that the inquirer thinks necessary.

#### Review and Appeal

Governor in Council may vary or rescind orders, etc.

40. The Governor in Council may, at any time, in the discretion of the Governor in Council, either on petition of a party or an interested person or of the Governor in Council's own motion, vary or rescind any decision, order, rule or regulation of the Agency, whether the decision or order is made inter partes or otherwise, and whether the rule or regulation is general or limited in its scope and application, and any order that the Governor in Council may make to do so is binding on the Agency and on all parties.

#### Appeal from Agency

41. (1) An appeal lies from the Agency to the Federal Court of Appeal on a question of law or a question of jurisdiction on leave to appeal being obtained from that Court on application made within one month after the date of the decision, order, rule or regulation being appealed from, or within any further time that a judge of that Court under special circumstances allows, and on notice to the parties and the Agency, and on hearing those of them that appear and desire to be heard.

#### Time for making appeal

(2) No appeal, after leave to appeal has been obtained under subsection (1), lies unless it is entered in the Federal Court of Appeal within sixty days after the order granting leave to appeal is made.

#### Powers of Court

(3) An appeal shall be heard as quickly as is practicable and, on the hearing of the appeal, the Court may draw any inferences that are not inconsistent with the facts expressly found by the Agency and that are necessary for determining the question of law or jurisdiction, as the case may be.

#### Agency may be heard

(4) The Agency is entitled to be heard by counsel or otherwise on the argument of an appeal.

#### Report of Agency

#### Report of Agency

42. (1) Each year the Agency shall, before the end of May, make a report on the activities of the Agency for the preceding year and submit it to the Governor in Council through the Minister describing briefly, in respect of that year,

(a) applications to the Agency and the findings on them; and

(b) the findings of the Agency in regard to any matter or thing respecting which the Agency has acted on the request of the Minister.

#### Assessment of Act

(2) The Agency shall include in every report referred to in subsection (1) the Agency's assessment of the operation of this Act and any difficulties observed in the administration of this Act.

#### Tabling of report

(3) The Minister shall have a copy of each report made under this section laid before each House of Parliament on any of the first thirty days on which that House is sitting after the Minister receives it.

### **Infrastructure:**

#### Industry Review

##### Industry overview

52. (1) Each year before the end of May, the Minister shall, using the most current information available, prepare and lay before both Houses of Parliament a report providing a brief overview of the state of transportation in Canada.

##### Industry review

(2) Every five years, the report referred to in subsection (1) shall be expanded to a comprehensive review of the state of transportation in Canada which shall include

- (a) the financial performance of each mode of transportation and its contribution to the Canadian economy;
- (b) the extent to which carriers and modes of transportation were provided resources, facilities and services at public expense;
- (c) the extent to which carriers and modes of transportation received compensation, indirectly and directly, for the resources, facilities and services that were required to be provided as an imposed public duty;
- (c.1) the long term outlook and trends in transportation in Canada; and
- (d) any other transportation matters that the Minister considers appropriate.

1996, c. 10, s. 52; 2007, c. 19, s. 11.

#### Review of Act

##### Statutory review

53. (1) The Minister shall, no later than eight years after the day this subsection comes into force, appoint one or more persons to carry out a comprehensive review of the operation of this Act and any other Act of Parliament for which the Minister is responsible that pertains to the economic regulation of a mode of transportation or to transportation activities under the legislative authority of Parliament.

##### Objective of review

(2) The person or persons conducting the review shall assess whether the legislation referred to



in subsection (1) provides Canadians with a transportation system that is consistent with the national transportation policy set out in section 5 and, if necessary or desirable, may recommend amendments to

- (a) the national transportation policy; and
- (b) the legislation referred to in subsection (1).

Consultations

(3) The review shall be undertaken in consultation with purchasers and suppliers of transportation services and any other persons whom the Minister considers appropriate.

Powers on review

(4) Every person appointed to carry out the review has, for the purposes of the review, the powers of a commissioner under Part I of the Inquiries Act and may engage the services of experts, professionals and other staff deemed necessary for making the review at the rates of remuneration that the Treasury Board approves.

Report

(5) The review shall be completed and a report of the review submitted to the Minister within 18 months after the appointment referred to in subsection (1).

Tabling of report

(6) The Minister shall have a copy of the report laid before each House of Parliament on any of the first thirty days on which that House is sitting after the Minister receives it.

1996, c. 10, s. 53; 2007, c. 19, s. 12.

### **Physical Geography:**

Nationwide coverage

### **Time:**

Enduring legislation

## **A.2.14 Overview: Navigable Waters Protection Act**

**Lead Department:** Department of Fisheries and Oceans

### **Joint:**

N/A to DND/CF

### **Interagency:**

NWPA is administered by TC and the powers detailed to the Transport Minister could be of use of other GC depts.

### **Multinational:**

Applicable to infrastructure and waterways that constitute international border

### **Public:**

information for the public can be found <http://www.tc.gc.ca/eng/marinesafety/oep-nwpp-faqs-202.htm>

### **Political:**

A public right of navigation exists in Canada. This right is not written anywhere; it is a Common Law right. If the waters are navigable, then the public has the right to navigate. This right can only be restricted by an Act of Parliament. The NWPA is one of these Acts. It ensures a balance between the public right of navigation and the need to build works, such as bridges, dams or docks for example, in navigable waters. The NWPA provides for the prohibition to build works in navigable waters, unless the work, its site and plans have been approved by the Minister of Transport on such terms and conditions as he deems fit. In addition, the Act provides for measures regarding removal of wreck or other obstacles to navigation and for the prohibition to throw or deposit any material in navigable waters.

### **Military:**

N/A

### **Economic:**

Will the NWPA affect me?

Yes, if you or any company, organization, government agency or Crown corporation is planning the construction or modification of a work in, on, over, under, through or across any navigable waterway. Such works include a wharf, dock, pier, dam, boom, bridge, overhead cable or pipeline.

Who is a client?

Any individual, company or government agency that proposes to construct, repair or modify any work in the navigable waters of Canada.

**Social:**

What is an Approval?

Approval refers to an approval document authorizing the construction of proposed works. The document is issued by the Minister of Transport or his/her designated representative.

Who administers the NWPA?

The NWPA is administered by the Minister of Transport. NWPA Approvals are granted under the authority of the Minister of Transport.

**Information:**

<http://www.tc.gc.ca/eng/marinesafety/oep-nwpp-faqs-202.htm#01-01>

**Infrastructure:**

What is a Work/Works?

The term work or works refers to any proposed project that is subject to review and approval under the Act. The Act generally indicates that works include any structure, device or other thing that may interfere with navigation.

**Physical Geography:**

What are Navigable Waters?

Defined as including any body of water capable of being navigated by any type of floating vessel for the purpose of transportation, recreation or commerce.

**Time:**

Enduring legislation

## **A.2.15 Overview: Department of Industry Act**

**Lead Department:** Industry Canada

**Joint:**

N/A

**Interagency:**

Further duties

17. (1) The Minister, in exercising powers and performing duties and functions under this Act,

(a) shall, where appropriate, make use of the services, facilities, information and expertise of other departments, boards or agencies of the Government of Canada; and

(b) may consult with, and organize conferences of, representatives of provincial governments, business and labour and other public and private entities.

Other powers

(2) In exercising the powers and performing the duties and functions under this Act, the Minister may enter into agreements with the government of any province or any agency thereof, or with any other entity or person, and may make disbursements up to an amount equal to the aggregate of the amounts to be contributed by all parties to the agreement, even before those amounts have been contributed.

Fees for services or use of facilities

18. (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix the fees to be paid for a service or the use of a facility provided by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

**Multinational:**

N/A

**Public:**

Special assistance

13. (1) Where the Governor in Council is of the opinion that it is in the national interest to do so, the Minister may, in exercising the powers and performing the duties and functions assigned by subsection 4(1), develop and implement programs and projects of special assistance to industries, particular industrial or commercial establishments, organizations, persons who are members of a particular category of persons defined by order of the Governor in Council or particular persons to aid economic development, whether through the restructuring, adjusting, rationalizing, establishing or re-establishing, modernizing, expanding or contracting of an industry or particular industrial or commercial establishment or organization in Canada, or

otherwise.

Financial assistance

14. (1) To facilitate the implementation of any program or project of the Minister under this Act, the Minister may

(a) make loans to any person;

(b) guarantee the repayment of, or provide loan insurance or credit insurance in respect of, any financial obligation undertaken by any person; and

(c) make grants and contributions to any person.

**Political:**

Department established

2. (1) There is hereby established a department of the Government of Canada called the Department of Industry over which the Minister of Industry, appointed by commission under the Great Seal, shall preside.

Minister

(2) The Minister holds office during pleasure and has the management and direction of the Department.

Registrar General

(3) The Minister is the Registrar General of Canada.

Deputy Minister

3. The Governor in Council may appoint an officer called the Deputy Minister of Industry to hold office during pleasure and to be the deputy head of the Department.

**Military:**

N/A

**Economic:**

Powers, duties and functions

4. (1) The powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not by law assigned to any other department, board or agency of the Government of Canada, relating to

- (a) industry and technology in Canada;
- (b) trade and commerce in Canada;
- (c) science in Canada;
- (d) consumer affairs;
- (e) corporations and corporate securities;
- (f) competition and restraint of trade, including mergers and monopolies;
- (g) bankruptcy and insolvency;
- (h) patents, copyrights, trade-marks, industrial designs and integrated circuit topographies;
- (i) standards of identity, packaging and performance in relation to consumer products and services, except in relation to the safety of consumer goods;
- (j) legal metrology;
- (k) telecommunications, except in relation to
  - (i) the planning and coordination of telecommunication services for departments, boards and agencies of the Government of Canada, and
  - (ii) broadcasting, other than in relation to spectrum management and the technical aspects of broadcasting;
- (l) the development and utilization generally of communication undertakings, facilities, systems and services for Canada;
- (m) investment;
- (n) small businesses; and
- (o) tourism.

Additional powers, duties and functions

(2) The powers, duties and functions of the Minister also extend to and include all matters over which Parliament has jurisdiction, not by law assigned to any other department, board or agency of the Government of Canada, relating to regional economic development in Ontario. 1995, c. 1, s. 4; 2005, c. 26, s. 20.

## Industry Canada

1. With respect to civil emergency preparedness in general, the department is responsible for developing and maintaining civil emergency plans for:

### Industrial Production of Goods and Services

- a. ensuring the availability of urgently required goods and services, not controlled by any other department, and facilitating the rebuilding of industrial sectors damaged by emergencies; and
- b. providing assistance and support, in collaboration with the Department of Public Works and Government Services, in locating and acquiring urgently needed industrial supplies, equipment and services.

### Telecommunications:

- c. the provision of advice and assistance to federal departments and agencies with respect to the telecommunications requirements of their emergency response functions and related civil emergency plans (lead role);
- d. the provision of advice and planning assistance to provinces and municipalities with respect to emergency telecommunications and related warning systems (lead role);
- e. coordinating the provision of an emergency broadcast service, based on the facilities and services of the Canadian Broadcasting Corporation, Environment Canada and, as required, privately owned networks and stations (lead role);
- f. facilitating the provision of appropriate telecommunications equipment or services required in emergency response operations, as requested by lead federal departments or responsible provincial authorities (lead role);
- g. providing advice and assistance, as appropriate, to private or public telecommunications undertakings in mitigating the disruptive effects of emergencies on domestic and external telecommunications (lead role);
- h. the provision of guidance, advice and coordination assistance to Canada's national and international telecommunications networks and broadcasting systems, with respect to the communications requirements of emergency responders, the rapid reception and transmission of inter-regional and transborder warnings to affected populations, and the dissemination of essential public information (lead role); and
- i. the coordination and management of programs to ensure the availability of telecommunications to meet federal requirements during periods of system overload or degradation (lead role).

## **Social:**

### Objectives

5. The Minister shall exercise the powers and perform the duties and functions assigned by subsection 4(1) in a manner that will

- (a) strengthen the national economy and promote sustainable development;
- (b) promote the mobility of goods, services and factors of production and of trade and commerce in Canada;
- (c) increase the international competitiveness of Canadian industry, goods and services and assist in the adjustment to changing domestic and international conditions;
- (d) encourage the fullest and most efficient and effective development and use of science and technology;
- (e) foster and promote science and technology in Canada;
- (f) strengthen the framework for the development and efficiency of the Canadian marketplace;
- (g) promote the establishment, development and efficiency of Canadian communications systems and facilities and assist in the adjustment to changing domestic and international conditions;
- (h) stimulate investment; and
- (i) promote the interests and protection of Canadian consumers.

**Information:**

<http://www.canlii.org/en/ca/laws/stat/sc-1995-c-1/latest/sc-1995-c-1.html>

**Infrastructure:**

Objectives

5. The Minister shall exercise the powers and perform the duties and functions assigned by subsection 4(1) in a manner that will

- (a) strengthen the national economy and promote sustainable development;
- (b) promote the mobility of goods, services and factors of production and of trade and commerce in Canada;
- (d) encourage the fullest and most efficient and effective development and use of science and technology;
- (f) strengthen the framework for the development and efficiency of the Canadian marketplace;
- (g) promote the establishment, development and efficiency of Canadian communications systems and facilities and assist in the adjustment to changing domestic and international conditions;

Functions

6. In exercising the powers and performing the duties and functions assigned by subsection 4(1),



the Minister shall

(a) initiate, recommend, coordinate, direct, promote and implement national policies, programs, projects and practices with respect to the objectives set out in section 5;

(c) promote, assist and provide support services for, and investment in, Canadian industry, goods, services, science and technology;

**Physical Geography:**

N/A

**Time:**

Enduring legislation

## **A.2.16 Overview: Department of Transport Act**

**Lead Department:** Transport Canada

**Joint:**

N/A

**Interagency:**

N/A

**Multinational:**

N/A

**Public:**

N/A

**Political:**

There is hereby established a department of the Government of Canada called the Department of Transport over which the Minister of Transport appointed by commission under the Great Seal shall preside.

Transport Canada is responsible for enforcing several Canadian legislation, including the Aeronautics Act, Transportation of Dangerous Goods Act, Motor Vehicle Safety Act, Canada Transportation Act, Railway Safety Act, Canada Shipping Act, 2001, Marine Transportation Security

**Military:**

(2) The Minister has and may exercise and carry out any of the powers, duties and functions vested, immediately prior to November 2, 1936, in the Minister of Marine and with respect to civil aviation in the Minister of National Defence, by any Act, order or regulation.

**Economic:**

Department of Transport Act recognises the importance of a functioning transportation system to the economy of Canada. Its departmental responsibilities extend over all modes of transportation and all sectors (federal, provincial, municipal and private).

**Social:**

N/A

**Information:**

(b) submit those accounts to be audited in such manner as is determined by law or by the Governor <http://laws.justice.gc.ca/eng/T-18/page-2.html>

**Infrastructure:**

Department of Transportation Act establishes the department and infrastructure allocation is

covered under related regulations such as:

Related Regulations

Airport Personal Property Disposal Regulations

Airport Traffic Regulations

Canal Regulations

Government Airport Concession Operations Regulations

Historic Canals Regulations

Transport Control Regulations

**Physical Geography:**

National responsibility for Transport matters

**Time:**

Enduring legislation

## **A.2.17 Overview: Marine Liability Act & Regulations**

**Lead Department:** Transport Canada

### **Joint:**

Division 3  
General Provisions  
Admiralty Court  
Jurisdiction

79. (1) The Admiralty Court has jurisdiction with respect to claims for compensation brought in Canada under any convention under Division 1 and claims for compensation under Division 2. Jurisdiction may be exercised in rem

(2) The jurisdiction conferred on the Admiralty Court may be exercised in rem against the ship that is the subject of the claim, or against any proceeds of sale of the ship that have been paid into court.

Exempt ships and cargoes

(3) No action in rem may be commenced in Canada against

(a) a warship, coast guard ship or police vessel;

### **Interagency:**

(b) a ship owned or operated by Canada or a province, or any cargo carried on such a ship, if the ship  
is engaged on government service;

### **Multinational:**

PART 3

LIMITATION OF LIABILITY FOR MARITIME CLAIMS

the Convention on Limitation of Liability for Maritime Claims, 1976, concluded at London on November 19, 1976, as amended by the Protocol, Articles 1 to 15 of which Convention are set out in Part 1 of Schedule 1 and Article 18 of which is set out in Part 2 of that Schedule.

&

Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, concluded at Athens on December 13, 1974, as amended by the Protocol, Articles 1 to 22 of which Convention are set out in Part 1 of Schedule 2.

LIABILITY FOR CARRIAGE OF GOODS BY WATER

Interpretation

## Definitions

41. The definitions in this section apply in this Part.

“Hague-Visby Rules”

« règles de La Haye-Visby »

“Hague-Visby Rules” means the rules set out in Schedule 3 and embodied in the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading, concluded at Brussels on August 25, 1924, in the Protocol concluded at Brussels on February 23, 1968, and in the additional Protocol concluded at Brussels on December 21, 1979.

“Hamburg Rules”

« règles de Hambourg »

“Hamburg Rules” means the rules set out in Schedule 4 and embodied in the United Nations Convention on the Carriage of Goods by Sea, 1978, concluded at Hamburg on March 31, 1978.

## Other statutory limitations of liability

42. Nothing in this Part affects the operation of any other Part of this Act, or section 250 of the Canada Shipping Act, 2001, or a provision of any other Act or regulation that limits the liability of owners of ships.

2001, c. 6, s. 42, c. 26, s. 324.

## Hague-Visby Rules

### Effect

43. (1) The Hague-Visby Rules have the force of law in Canada in respect of contracts for the carriage of goods by water between different states as described in Article X of those Rules.

### Extended application

(2) The Hague-Visby Rules also apply in respect of contracts for the carriage of goods by water from one place in Canada to another place in Canada, either directly or by way of a place outside Canada, unless there is no bill of lading and the contract stipulates that those Rules do not apply.

### Meaning of “Contracting State”

(3) For the purposes of this section, the expression “Contracting State” in Article X of the Hague-Visby Rules includes Canada and any state that, without being a Contracting State, gives the force of law to the rules embodied in the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading, concluded at Brussels on August 25, 1924 and in the Protocol concluded at Brussels on February 23, 1968, regardless of whether that state gives the

force of law to the additional Protocol concluded at Brussels on December 21, 1979.

#### Replacement by Hamburg Rules

(4) The Hague-Visby Rules do not apply in respect of contracts entered into after the coming into force of section 45.

#### Hamburg Rules

##### Report to Parliament

44. The Minister shall, before January 1, 2005 and every five years afterwards, consider whether the Hague-Visby Rules should be replaced by the Hamburg Rules and cause a report setting out the results of that consideration to be laid before each House of Parliament.

##### Effect

45. (1) The Hamburg Rules have the force of law in Canada in respect of contracts for the carriage of goods by water between different states as described in Article 2 of those Rules.

##### Extended application

(2) The Hamburg Rules also apply in respect of contracts for the carriage of goods by water from one place in Canada to another place in Canada, either directly or by way of a place outside Canada, unless the contract stipulates that those Rules do not apply.

##### Meaning of "Contracting State"

(3) For the purposes of this section, the expression "Contracting State" in Article 2 of the Hamburg Rules includes Canada and any state that gives the force of law to those Rules without being a Contracting State to the United Nations Convention on the Carriage of Goods by Sea, 1978.

##### References to "sea"

(4) For the purposes of this section, the word "sea" in the Hamburg Rules shall be read as "water".

##### Signatures

(5) For the purposes of this section, paragraph 3 of article 14 of the Hamburg Rules applies in respect of the documents referred to in article 18 of those Rules.

#### PART 6

#### LIABILITY AND COMPENSATION FOR POLLUTION

##### Division 1

##### International Conventions

##### Interpretation

## Definitions

47. (1) The following definitions apply in this Division.

“Bunkers Convention”

« Convention sur les hydrocarbures de soute »

“Bunkers Convention” means the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, concluded at London on March 23, 2001.

“Civil Liability Convention”

« Convention sur la responsabilité civile »

“Civil Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage, 1992, concluded at London on November 27, 1992, Article V of which was amended by the Resolution adopted by the Legal Committee of the International Maritime Organization on October 18, 2000.

“discharge”

« rejet »

“discharge”, in relation to oil and bunker oil, means a discharge of oil or bunker oil that directly or indirectly results in the oil or bunker oil entering the water, and includes spilling, leaking, pumping, pouring, emitting, emptying, throwing and dumping.

“Fund Convention”

« Convention sur le Fonds international »

“Fund Convention” means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, concluded at London on November 27, 1992, Article 4 of which was amended by the Resolution adopted by the Legal Committee of the International Maritime Organization on October 18, 2000.

“in bulk”

« en vrac »

“in bulk” means in a hold or tank that is part of a ship’s structure, without any intermediate form of containment.

“International Fund”

« Fonds international »

“International Fund” means the International Oil Pollution Compensation Fund, 1992 established by Article 2 of the Fund Convention.

“owner”

« Version anglaise seulement »

“owner”

(a) in relation to the Civil Liability Convention, has the same meaning as in Article I of that Convention;

(b) in relation to the Fund Convention, has the same meaning as in Article I of the Civil Liability Convention and as shipowner within the meaning of the Fund Convention;

(c) in relation to the Supplementary Fund Protocol, has the same meaning as in Article I of the Civil Liability Convention; and

(d) in relation to the Bunkers Convention, has the same meaning as the definition “Shipowner” in Article 1 of that Convention.

“Supplementary Fund”

« Fonds complémentaire »

“Supplementary Fund” means the International Oil Pollution Compensation Supplementary Fund, 2003 established by Article 2 of the Supplementary Fund Protocol.

“Supplementary Fund Protocol”

« Protocole portant création d’un Fonds complémentaire »

“Supplementary Fund Protocol” means the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, concluded at London on May 16, 2003.

Words and expressions defined

(2) For the purposes of this Division and unless otherwise provided, words and expressions used in this Division have the same meaning as in the following applicable conventions:

(a) Article I of the Civil Liability Convention;

(b) Article 1 of the Fund Convention;

(c) Article 1 of the Supplementary Fund Protocol; and

(d) Article 1 of the Bunkers Convention.

Inconsistency



(3) In the event of an inconsistency between this section and sections 48 to 74 and 79 to 90 and the Civil Liability Convention, the Fund Convention, the Supplementary Fund Protocol or the Bunkers Convention, those sections prevail to the extent of the inconsistency.

2001, c. 6, s. 47; 2009, c. 21, s. 11.

#### Civil Liability Convention Force of law

48. Articles I to XI, XII bis and 15 of the Civil Liability Convention — that are set out in Schedule 5 — have the force of law in Canada.

2001, c. 6, s. 48; 2009, c. 21, s. 11.

#### Contracting State

49. (1) For the purposes of the application of the Civil Liability Convention, Canada is a Contracting State.

Appropriate authority

(2) For the purposes of the application of Article VII of that Convention, the Minister is the appropriate authority for Canada.

2001, c. 6, s. 49; 2009, c. 21, s. 11.

#### Schedule 5 — limits amendment

50. The Governor in Council may, by regulation, amend Schedule 5 to implement an amendment — to the limits of liability that are specified in paragraph 1 of Article V of the Civil Liability Convention — that is made in accordance with Article 15 of that Convention.

2001, c. 6, s. 50; 2009, c. 21, s. 11.

#### Liability for pollution and related costs

51. The liability of the owner of a ship in relation to preventive measures, for the purposes of the Civil Liability Convention, also includes

(a) the costs and expenses incurred by the Minister of Fisheries and Oceans, a response organization within the meaning of section 165 of the Canada Shipping Act, 2001, any other person in Canada or any person in a state, other than Canada, that is a party to that Convention in respect of measures taken to prevent, repair, remedy or minimize pollution damage from the ship, including measures taken in anticipation of a discharge of oil from it, to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by those measures; and

(b) in relation to oil, the costs and expenses incurred by

(i) the Minister of Fisheries and Oceans in respect of measures taken under paragraph 180(1)(a) of the Canada Shipping Act, 2001, in respect of any monitoring under paragraph 180(1)(b) of

that Act or in relation to any direction given under paragraph 180(1)(c) of that Act to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by those measures, or

(ii) any other person in respect of the measures that they were directed to take or refrain from taking under paragraph 180(1)(c) of the Canada Shipping Act, 2001 to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by those measures.

2001, c. 6, s. 51, c. 26, s. 324; 2009, c. 21, s. 11.

#### Admiralty Court's jurisdiction — limitation fund

52. (1) The Admiralty Court has exclusive jurisdiction with respect to any matter relating to the constitution and distribution of a limitation fund under the Civil Liability Convention.

##### Right to assert limitation defence

(2) When a claim is made or apprehended against a person in respect of liability that is limited under the Civil Liability Convention, that person may assert their right to a limitation of liability by constituting a fund as required under that Convention and filing a defence, or by way of action or counterclaim for declaratory relief, in the Admiralty Court.

##### Stay of proceedings

(3) When a fund is constituted in the Admiralty Court, any other court, where an action asserting limitation of liability under the Civil Liability Convention has been commenced, shall stay the proceedings and refer all claims under that Convention to the Admiralty Court.

2001, c. 6, s. 52; 2009, c. 21, s. 11.

#### Admiralty Court's powers

53. (1) When a claim is made or apprehended against a person in respect of liability that is limited under the Civil Liability Convention, the Admiralty Court, on application by that person or any other interested person, may take any steps that it considers appropriate, including

(a) determining the amount of the liability and providing for the constitution and distribution of a fund under that Convention; and

(b) joining interested persons as parties to the proceedings, excluding any claimants who do not make a claim within the time limits set out in Article VIII of that Convention, requiring security from the person claiming limitation of liability or from any other interested person and requiring the payment of any costs.

##### Admiralty Court may postpone distribution

(2) In providing for the distribution of a fund under paragraph (1)(a) in relation to any liability, the Admiralty Court may, having regard to any claim that may subsequently be established

before a court, tribunal or other authority outside Canada in respect of that liability, postpone the distribution of any part of the fund that it considers appropriate.

#### Procedural matters

(3) The Admiralty Court may

(a) make any rule of procedure that it considers appropriate with respect to proceedings before it under this section; and

(b) determine what form of guarantee it considers to be adequate for the purposes of paragraph 3 of Article V of the Civil Liability Convention.

2001, c. 6, s. 53; 2009, c. 21, s. 11.

#### Public notice

54. (1) The person constituting the fund shall, as soon as feasible, give notice of the fund's constitution in the Canada Gazette and in a newspaper in general circulation in the region where the incident occurs.

#### Proof of notice

(2) Within 30 days after the fund's constitution, the person constituting it shall file the public notices in the Admiralty Court.

#### Court order in case of non-compliance

(3) The Admiralty Court may issue any order that it deems appropriate to remedy the failure of the person to give any of the required public notices or the inadequacy of a notice.

2001, c. 6, s. 54; SOR/2003-353; 2009, c. 21, s. 11.

#### Absence of certificate

55. (1) Unless a ship carries a certificate described in Article VII of the Civil Liability Convention issued in accordance with subsection 56(1), showing that a contract of insurance or other security satisfying the requirements of that Article is in force in respect of a ship carrying, in bulk as cargo, more than 2 000 metric tons of oil, the ship must not

(a) enter or leave a port in Canadian waters or in Canada's exclusive economic zone or arrive at or leave an offshore terminal in Canadian waters or in Canada's exclusive economic zone; or

(b) if the ship is registered in Canada, enter or leave a port in any other state, whether or not the state is a party to that Convention, or arrive at or leave an offshore terminal

(i) in the territorial sea or internal waters of any such state, or

(ii) in the exclusive economic zone of any such state or, if the state has not established an exclusive economic zone, in an area beyond and adjacent to the territorial sea of the state, and extending not more than 200 nautical miles from the baselines from which the breadth of its

territorial sea is measured.

Certificate to be produced on request

(2) The master, a crew member or any person on board who is, or appears to be, in charge of the ship shall produce the certificate and give details of it at the request of any authorized officer of the Government of Canada.

2001, c. 6, s. 55; 2009, c. 21, s. 11.

By whom certificate to be issued

56. (1) The certificate shall be issued

(a) by the Minister, if the ship is registered in Canada;

(b) by or under the authority of the government of the state of registration, if the ship is registered in a state, other than Canada, that is a party to the Civil Liability Convention; or

(c) by the Minister or by or under the authority of the government of a state, other than Canada, that is a party to the Civil Liability Convention, if the ship is registered in a state, other than Canada, that is not a party to that Convention.

Issuance of certificate by Minister

(2) On an application to the Minister for a certificate in respect of a ship registered in Canada or registered in a state, other than Canada, that is not a party to the Civil Liability Convention, the Minister shall issue the certificate to the owner of the ship, if he or she is satisfied that a contract of insurance or other security satisfying the requirements of Article VII of that Convention will be in force in respect of the ship throughout the period for which the certificate is issued.

When Minister may refuse certificate

(3) If the Minister believes that the guarantor will be unable to meet the guarantor's obligations under the contract of insurance or other security referred to in subsection 55(1), or that the contract of insurance or other security will not cover the owner's liability under the Civil Liability Convention, the Minister may refuse to issue the certificate.

When Minister may revoke certificate

(4) If the Minister believes that the guarantor is no longer able to meet the guarantor's obligations under the contract of insurance or other security referred to in subsection 55(1), or that the contract of insurance or other security no longer covers the owner's liability under the Civil Liability Convention, the Minister may revoke the certificate issued by him or her.

2001, c. 6, s. 56; 2009, c. 21, s. 11.

Fund Convention

#### Force of law

57. Articles 1 to 4, 6 to 10, 12 to 15, 36 ter, 29, 33 and 37 of the Fund Convention — that are set out in Schedule 6 — have the force of law in Canada.

2001, c. 6, s. 57; 2009, c. 21, s. 11.

#### Contracting State

58. For the purposes of the application of the Fund Convention, Canada is a Contracting State.

2001, c. 6, s. 58; 2009, c. 21, s. 11.

#### Schedule 6 — limits amendment

59. The Governor in Council may, by regulation, amend Schedule 6 to implement an amendment — to the limits of liability that are specified in paragraph 4 of Article 4 of the Fund Convention — that is made in accordance with Article 33 of that Convention.

2001, c. 6, s. 59; 2009, c. 21, s. 11.

#### Meaning of “associated persons”

60. For the purposes of the application of the Fund Convention, if two bodies are affiliated with each other within the meaning of section 2 of the Canada Business Corporations Act, they are deemed to be “associated persons” within the meaning of “Associated person” in paragraph 2(b) of Article 10 of that Convention.

2001, c. 6, s. 60; 2009, c. 21, s. 11.

#### Legal capacity of International Fund

61. For the purposes of the rights and obligations referred to in section 62, the International Fund has the capacity, rights and obligations of a natural person, and the Director of the International Fund is its legal representative.

2001, c. 6, s. 61; 2009, c. 21, s. 11.

#### International Fund to be party to legal proceedings

62. (1) If a claimant commences an action against the owner of a ship or the owner’s guarantor in respect of a matter referred to in section 51 or Article III of the Civil Liability Convention,

(a) the document commencing the proceedings shall be served on the International Fund and that Fund is then a party to the proceedings; and

(b) the International Fund may appear and take any action that its Director considers appropriate for the proper administration of that Fund.

#### Method of service on International Fund

(2) In addition to any method of service permitted by the rules of the court in which a

proceeding is commenced, service of documents on the International Fund under paragraph (1)(a) may be effected by registered mail.

2001, c. 6, s. 62; 2009, c. 21, s. 11.

#### Supplementary Fund Protocol Force of law

63. Articles 1 to 15, 18, 20, 24, 25 and 29 of the Supplementary Fund Protocol — that are set out in Schedule 7 — have the force of law in Canada.

2001, c. 6, s. 63; 2009, c. 21, s. 11.

#### Contracting State

64. For the purposes of the application of the Supplementary Fund Protocol, Canada is a Contracting State.

2001, c. 6, s. 64; 2009, c. 21, s. 11.

#### Schedule 7 — limits amendment

65. The Governor in Council may, by regulation, amend Schedule 7 to implement an amendment — to the limits of liability that are in Article 4 of the Supplementary Fund Protocol — that is made in accordance with Article 24 of that Protocol.

2001, c. 6, s. 65; 2009, c. 21, s. 11.

#### Meaning of “associated persons”

66. For the purposes of the application of the Supplementary Fund Protocol, if two bodies are affiliated with each other within the meaning of section 2 of the Canada Business Corporations Act, they are deemed to be “associated persons” within the meaning of “Associated person” in paragraph 2(b) of Article 10 of the Fund Convention.

2001, c. 6, s. 66; 2009, c. 21, s. 11.

#### Legal capacity of Supplementary Fund

67. For the purposes of the rights and obligations referred to in section 68, the Supplementary Fund has the capacity, rights and obligations of a natural person, and the Director of the Supplementary Fund is its legal representative.

2001, c. 6, s. 67; 2009, c. 21, s. 11.

#### Supplementary Fund to be party to legal proceedings

68. (1) If a claimant commences an action against the owner of a ship or the owner’s guarantor in respect of a matter referred to in section 51 or Article III of the Civil Liability Convention,

- (a) the document commencing the proceedings shall be served on the Supplementary Fund and that Fund is then a party to the proceedings; and
- (b) the Supplementary Fund may appear and take any action that its Director considers appropriate for the proper administration of that Fund.

#### Method of service on Supplementary Fund

- (2) In addition to any method of service permitted by the rules of the court in which proceedings are commenced, service of documents on the Supplementary Fund under paragraph (1)(a) may be effected by registered mail.

2001, c. 6, s. 68; 2009, c. 21, s. 11.

#### Bunkers Convention Force of law

69. Articles 1 to 10 of the Bunkers Convention — that are set out in Schedule 8 — have the force of law in Canada.

2001, c. 6, s. 69; 2009, c. 21, s. 11.

#### State Party

70. (1) For the purposes of the application of the Bunkers Convention, Canada is a State Party.  
Appropriate authority

- (2) For the purposes of the application of Article 7 of the Bunkers Convention, the Minister is the appropriate authority for Canada.

2001, c. 6, s. 70; 2009, c. 21, s. 11.

#### Liability for pollution and related costs

71. The liability of the owner of a ship in relation to preventive measures, for the purposes of the Bunkers Convention, also includes

(a) the costs and expenses incurred by the Minister of Fisheries and Oceans, a response organization within the meaning of section 165 of the Canada Shipping Act, 2001, any other person in Canada or any person in a state, other than Canada, that is a party to that Convention in respect of measures taken to prevent, repair, remedy or minimize pollution damage from the ship, including measures taken in anticipation of a discharge of bunker oil from it, to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by those measures; and

(b) in relation to bunker oil, the costs and expenses incurred by

(i) the Minister of Fisheries and Oceans in respect of measures taken under paragraph 180(1)(a) of the Canada Shipping Act, 2001, in respect of any monitoring under paragraph 180(1)(b) of that Act or in relation to any direction given under paragraph 180(1)(c) of that Act to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage

caused by those measures, or

(ii) any other person in respect of the measures that they were directed to take or refrain from taking under paragraph 180(1)(c) of the Canada Shipping Act, 2001 to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by those measures.

2001, c. 6, s. 71; 2009, c. 21, s. 11.

#### Application of Part 3

72. Part 3 applies to claims arising under the Bunkers Convention.

2001, c. 6, s. 72; 2009, c. 21, s. 11.

#### Absence of certificate

73. (1) Unless a ship carries a certificate described in Article 7 of the Bunkers Convention issued in accordance with subsection 74(1), showing that a contract of insurance or other security satisfying the requirements of that Article is in force in respect of a ship having 1 000 gross tonnage or more, the ship must not

(a) enter or leave a port in Canadian waters or in Canada's exclusive economic zone or arrive at or leave an offshore terminal in Canadian waters or in Canada's exclusive economic zone; or

(b) if the ship is registered in Canada, enter or leave a port in any other state, whether or not the state is a party to that Convention, or arrive at or leave an offshore terminal

(i) in the territorial sea or internal waters of any such state, or

(ii) in the exclusive economic zone of any such state or, if the state has not established an exclusive economic zone, in an area beyond and adjacent to the territorial sea of the state, and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured.

#### Certificate to be produced on request

(2) The master, a crew member or any person on board who is, or appears to be, in charge of the ship shall produce the certificate and give details of it at the request of any authorized officer of the Government of Canada.

2001, c. 6, s. 73; 2009, c. 21, s. 11.

#### By whom certificate to be issued

74. (1) The certificate shall be issued

(a) by the Minister, if the ship is registered in Canada;

(b) by or under the authority of the government of the state of registration, if the ship is registered in a state, other than Canada, that is a party to the Bunkers Convention; or



(c) by the Minister or by or under the authority of the government of a state, other than Canada, that is a party to the Bunkers Convention, if the ship is registered in a state, other than Canada, that is not a party to that Convention.

#### Designation by Minister

(2) The Minister may designate a person to issue, refuse or revoke a certificate on the Minister's behalf.

#### Issuance of certificate by Minister

(3) On an application to the Minister for a certificate in respect of a ship registered in Canada or registered in a state, other than Canada, that is not a party to the Bunkers Convention, the Minister shall issue the certificate to the owner of the ship, if he or she is satisfied that a contract of insurance or other security satisfying the requirements of Article 7 of that Convention will be in force in respect of the ship throughout the period for which the certificate is issued.

#### When Minister may refuse certificate

(4) If the Minister believes that the guarantor will be unable to meet the guarantor's obligations under the contract of insurance or other security referred to in subsection 73(1), or that the contract of insurance or other security will not cover the owner's liability under the Bunkers Convention, the Minister may refuse to issue the certificate.

#### When Minister may revoke certificate

(5) If the Minister believes that the guarantor is no longer able to meet the guarantor's obligations under the contract of insurance or other security referred to in subsection 73(1), or that the contract of insurance or other security no longer covers the owner's liability under the Bunkers Convention, the Minister may revoke the certificate issued by him or her.

(a) a substance that, if added to any waters, would degrade or alter or form part of a process of degradation or alteration of the waters' quality to an extent that their use would be detrimental to humans or animals or plants that are useful to humans; and

(b) any water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any waters, degrade or alter or form part of a process of degradation or alteration of the waters' quality to an extent that their use would be detrimental to humans or animals or plants that are useful to humans.

#### Application

##### Geographical application

76. This Division applies in respect of actual or anticipated pollution damage, except for

pollution damage covered by Division 1, irrespective of the location of the actual or anticipated discharge of the pollutant and irrespective of the location where any preventive measures are taken,

(a) on Canada's territory or in Canadian waters; or

(b) in Canada's exclusive economic zone.

2001, c. 6, s. 76; 2009, c. 21, s. 11.

#### Liability for pollution and related costs

77. (1) The owner of a ship is liable

(a) for oil pollution damage from the ship;

(b) for the costs and expenses incurred by the Minister of Fisheries and Oceans, a response organization within the meaning of section 165 of the Canada Shipping Act, 2001 or any other person in Canada in respect of measures taken to prevent, repair, remedy or minimize oil pollution damage from the ship, including measures taken in anticipation of a discharge of oil from it, to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by those measures; and

(c) for the costs and expenses incurred by

(i) the Minister of Fisheries and Oceans in respect of measures taken under paragraph 180(1)(a) of the Canada Shipping Act, 2001, in respect of any monitoring under paragraph 180(1)(b) of that Act or in relation to any direction given under paragraph 180(1)(c) of that Act to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by those measures, or

(ii) any other person in respect of the measures that they were directed to take or refrain from taking under paragraph 180(1)(c) of the Canada Shipping Act, 2001 to the extent that the measures taken and the costs and expenses are reasonable, and for any loss or damage caused by those measures.

#### Liability for environmental damage

(2) If oil pollution damage from a ship results in impairment to the environment, the owner of the ship is liable for the costs of reasonable measures of reinstatement undertaken or to be undertaken.

#### Strict liability subject to certain defences

(3) The owner's liability under subsections (1) and (2) does not depend on proof of fault or negligence, but the owner is not liable under those subsections if they establish that the occurrence

(a) resulted from an act of war, hostilities, civil war or insurrection or from a natural phenomenon of an exceptional, inevitable and irresistible character;

(b) was wholly caused by an act or omission of a third party with intent to cause damage; or

(c) was wholly caused by the negligence or other wrongful act of any government or other

authority that is responsible for the maintenance of lights or other navigational aids, in the exercise of that function.

Owner's rights against third parties

(4) Nothing in this Division shall be construed as limiting or restricting any right of recourse that the owner of a ship who is liable under subsection (1) may have against another person.

Owner's own claim for costs and expenses

(5) The costs and expenses incurred by the owner of a ship in respect of measures voluntarily taken by them to prevent, repair, remedy or minimize oil pollution damage from the ship, including measures taken in anticipation of a discharge of oil from it, to the extent that the measures taken and the costs and expenses are reasonable, rank equally with other claims against any security given by that owner in respect of their liability under this section.

Limitation period

(6) No action lies in respect of a matter referred to in subsection (1) unless it is commenced

(a) if pollution damage occurs, within the earlier of

(i) three years after the day on which the pollution damage occurs, and

(ii) six years after the occurrence that causes the pollution damage or, if the pollution damage is caused by more than one occurrence having the same origin, six years after the first of the occurrences; or

(b) if no pollution damage occurs, within six years after the occurrence.

Application of Part 3

78. Part 3 applies to any claim referred to in section 77.

Ship-source Oil Pollution Fund

Ship-source Oil Pollution Fund continued

92. (1) The account known as the Ship-source Oil Pollution Fund in the accounts of Canada is continued.

Credits

(2) The following shall be credited to the Ship-source Oil Pollution Fund:

(a) all payments received under sections 112 and 115;

(b) interest computed in accordance with section 93; and

(c) any amounts recovered by the Administrator under paragraph 106(3)(c).

## Charges

(3) The following shall be charged to the Ship-source Oil Pollution Fund:

- (a) all amounts that are directed by the Administrator to be paid under paragraph 106(3)(a) or 108(1)(a), subsection 108(6) or section 117 or under a settlement;
  - (b) all amounts for which the Administrator is liable under subsection 117(3);
  - (c) all interest to be paid under section 116;
  - (d) all costs and expenses that are directed to be paid under section 98;
  - (e) the remuneration and expenses of assessors that are directed to be paid under subsection 108(2); and
  - (f) the amount of any judgment and any costs awarded against that Fund in litigation.
- 2001, c. 6, s. 92; 2009, c. 21, s. 11.

## Interest to be credited to Fund

93. The Minister of Finance shall, at the times that the Governor in Council directs, credit to the Ship-source Oil Pollution Fund interest at a rate fixed by the Governor in Council on the balance from time to time of that Fund.

2001, c. 6, s. 93; 2009, c. 21, s. 11.

## Administrator and Deputy Administrator

### Appointment of Administrator

94. (1) The Governor in Council may appoint an Administrator of the Ship-source Oil Pollution Fund to hold office during good behaviour for a term, not exceeding five years, that is fixed by the Governor in Council, subject to removal by the Governor in Council for cause.

Reappointment of Administrator

(2) The Administrator is eligible for reappointment on the expiry of his or her term of office.

### Continuation in office

(3) If an Administrator is not appointed to take office on the expiry of the incumbent Administrator's term, the incumbent continues to hold office until the earlier of the date fixed by the Governor in Council and the day on which a successor is appointed.

2001, c. 6, s. 94; 2009, c. 21, s. 11.

### Deputy Administrator

95. (1) The Governor in Council may appoint a Deputy Administrator of the Ship-source Oil Pollution Fund to hold office during good behaviour for a term, not exceeding five years, that is fixed by the Governor in Council, subject to removal by the Governor in Council for cause.

Reappointment of Deputy Administrator

(2) The Deputy Administrator is eligible for reappointment on the expiry of his or her term of office.

2001, c. 6, s. 95; 2009, c. 21, s. 11.

#### Resignation

96. The resignation of an Administrator or Deputy Administrator becomes effective at the time that the Minister receives a written resignation from him or her or at the time specified in the resignation, whichever is later.

2001, c. 6, s. 96; 2009, c. 21, s. 11.

#### Independent of Crown

97. (1) The Administrator or Deputy Administrator shall not, while holding office, accept or hold any office or employment inconsistent with his or her duties and functions under this Part.

Effect of contravention of subsection (1)

(2) If the Administrator or Deputy Administrator contravenes subsection (1), his or her appointment is terminated on a date fixed by the Governor in Council that is not later than 30 days after notice of the contravention is received by the Minister, but the contravention does not affect the validity of any act performed by the Administrator or Deputy Administrator, as the case may be, on behalf of the Ship-source Oil Pollution Fund between the date of the contravention and the date that the appointment is terminated.

2001, c. 6, s. 97; 2009, c. 21, s. 11.

#### Costs, expenses and fees

98. (1) On the direction of the Minister of Finance, all costs and expenses incurred by the Administrator and the Deputy Administrator in performing their duties and functions under this Part, and any fees for services rendered by the Administrator or Deputy Administrator calculated in accordance with a tariff prescribed by the regulations, shall be paid out of the Consolidated Revenue Fund and charged to the Ship-source Oil Pollution Fund.

#### Taxation

(2) The Admiralty Court's assessment officers may, at the request of the Minister of Justice, tax any account for costs, expenses or fees submitted by the Administrator or Deputy Administrator to the Minister of Finance as if the Administrator or Deputy Administrator were acting for the Crown in proceedings in that Court, but, on any such taxation, no fee may be allowed in excess of that set out in the tariff referred to in subsection (1).

2001, c. 6, s. 98; 2009, c. 21, s. 11.

## Deputy Administrator's duties and functions

99. (1) The Deputy Administrator shall perform the duties and functions consistent with this Part that are assigned to him or her by the Administrator.

Administrator's absence or incapacity

(2) If the Administrator is absent or incapacitated or the office of Administrator is vacant, the Deputy Administrator has all the powers and duties of the Administrator.

2001, c. 6, s. 99; 2009, c. 21, s. 11.

## Professional and technical assistance

100. The Administrator may, for the purpose of fulfilling his or her functions, including performing his or her duties under this Part, obtain the professional, technical and other advice and assistance that he or she considers necessary.

2001, c. 6, s. 100; 2009, c. 21, s. 11.

## Liability of Ship-source Oil Pollution Fund

### Liability of Ship-source Oil Pollution Fund

101. (1) Subject to the other provisions of this Part, the Ship-source Oil Pollution Fund is liable for the matters referred to in sections 51, 71 and 77 in relation to oil, Article III of the Civil Liability Convention and Article 3 of the Bunkers Convention, if

(a) all reasonable steps have been taken to recover payment of compensation from the owner of the ship or, in the case of a ship within the meaning of Article I of the Civil Liability Convention, from the International Fund and the Supplementary Fund, and those steps have been unsuccessful;

(b) the owner of a ship is not liable by reason of any of the defences described in subsection 77(3), Article III of the Civil Liability Convention or Article 3 of the Bunkers Convention and neither the International Fund nor the Supplementary Fund are liable;

(c) the claim exceeds

(i) in the case of a ship within the meaning of Article I of the Civil Liability Convention, the owner's maximum liability under that Convention to the extent that the excess is not recoverable from the International Fund or the Supplementary Fund, and

(ii) in the case of any other ship, the owner's maximum liability under Part 3;

(d) the owner is financially incapable of meeting their obligations under section 51 and Article III of the Civil Liability Convention, to the extent that the obligation is not recoverable from the International Fund or the Supplementary Fund;

(e) the owner is financially incapable of meeting their obligations under section 71 and Article 3 of the Bunkers Convention;

(f) the owner is financially incapable of meeting their obligations under section 77;

(g) the cause of the oil pollution damage is unknown and the Administrator has been unable to

establish that the occurrence that gave rise to the damage was not caused by a ship; or  
(h) the Administrator is a party to a settlement under section 109.

Exception — drilling activities

(2) This Part does not apply to a drilling ship that is on location and engaged in the exploration or exploitation of the seabed or its subsoil in so far as an escape or discharge of oil emanates from those activities.

Exception — floating storage units

(3) This Part does not apply to a floating storage unit or floating production, storage and off-loading unit unless it is carrying oil as a cargo on a voyage to or from a port or terminal outside an offshore oil field.

2001, c. 6, s. 101; 2009, c. 21, s. 11.

Action by Administrator

102. (1) If there is an occurrence that gives rise to the liability of an owner of a ship under section 51, 71 or 77, Article III of the Civil Liability Convention or Article 3 of the Bunkers Convention,  
(a) the Administrator may, either before or after receiving a claim under section 103, commence an action in rem against the ship that is the subject of the claim, or against any proceeds of sale of the ship that have been paid into court; and  
(b) subject to subsection (3), the Administrator is entitled in any such action to claim security in an amount not less than the owner's maximum aggregate liability determined in accordance with section 71 or 77, or Article V of the Civil Liability Convention.

Subrogation

(2) The Administrator may continue the action only if he or she has become subrogated to the rights of the claimant under paragraph 106(3)(c).

Entitlement to claim security

(3) The Administrator is not entitled to claim security under subsection (1) if

(a) in the case of a ship within the meaning of Article I of the Civil Liability Convention, a fund has been constituted under subsection 52(2); and  
(b) in the case of any other ship, a fund has been constituted under Article 11 of the Convention as defined in section 24.

2001, c. 6, s. 102; 2009, c. 21, s. 11.

Claims filed with Administrator

103. (1) In addition to any right against the Ship-source Oil Pollution Fund under section 101, a

person who has suffered loss or damage or incurred costs or expenses referred to in section 51, 71 or 77, Article III of the Civil Liability Convention or Article 3 of the Bunkers Convention in respect of actual or anticipated oil pollution damage may file a claim with the Administrator for the loss, damage, costs or expenses.

#### Limitation period

(2) Unless the Admiralty Court fixes a shorter period under paragraph 111(a), a claim must be made

(a) within two years after the day on which the oil pollution damage occurs and five years after the occurrence that causes that damage; or

(b) if no oil pollution damage occurs, within five years after the occurrence in respect of which oil pollution damage is anticipated.

#### Exception

(3) Subsection (1) does not apply to a response organization referred to in paragraph 51(a), 71(a) or 77(1)(b) or a person in a state other than Canada.

2001, c. 6, s. 103, c. 26, s. 324; 2009, c. 21, s. 11.

#### Liability — exception

104. Sections 101 and 103 do not apply in respect of actual or anticipated oil pollution damage (a) on the territory or in the territorial sea or internal waters of a state, other than Canada, that is a party to the Civil Liability Convention or the Bunkers Convention; or

(b) in the exclusive economic zone of a state referred to in paragraph (a) or, if the state has not established an exclusive economic zone, in an area beyond and adjacent to the territorial sea of that state and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured.

2001, c. 6, s. 104; 2009, c. 21, s. 11.

#### Administrator's duties

105. (1) On receipt of a claim under section 103, the Administrator shall

(a) investigate and assess it; and

(b) make an offer of compensation to the claimant for whatever portion of it that the Administrator finds to be established.

#### Administrator's powers

(2) For the purpose of investigating and assessing a claim, the Administrator has the powers of a commissioner under Part I of the Inquiries Act.

#### Factors to be considered

(3) When investigating and assessing a claim, the Administrator may consider only



- (a) whether it is for loss, damage, costs or expenses referred to in subsection 103(1); and
- (b) whether it resulted wholly or partially from
  - (i) an act done or omitted to be done by the claimant with intent to cause damage, or
  - (ii) the claimant's negligence.

#### Cause of occurrence

(4) A claimant is not required to satisfy the Administrator that the occurrence was caused by a ship, but the Administrator shall dismiss a claim if he or she is satisfied on the evidence that the occurrence was not caused by a ship.

#### When claimant at fault

(5) The Administrator shall reduce or nullify any amount that he or she would have otherwise assessed in proportion to the degree to which he or she is satisfied that the claim resulted from

- (a) an act done or omitted to be done by the claimant with intent to cause damage; or
- (b) the claimant's negligence.

2001, c. 6, s. 105; 2009, c. 21, s. 11.

#### Offer of compensation

106. (1) If the Administrator makes an offer of compensation to a claimant under paragraph 105(1)(b), the claimant shall, within 60 days after receiving the offer, notify the Administrator whether they accept or refuse it and, if no notification is received by the Administrator at the end of that period, the claimant is deemed to have refused the offer.

#### Appeal to Admiralty Court

(2) A claimant may, within 60 days after receiving an offer of compensation or a notification that the Administrator has disallowed the claim, appeal the adequacy of the offer or the disallowance of the claim to the Admiralty Court, but in an appeal from the disallowance of a claim, that Court may consider only the matters described in paragraphs 105(3)(a) and (b).

#### Acceptance of offer by claimant

(3) If a claimant accepts the offer of compensation from the Administrator,

- (a) the Administrator shall without delay direct payment to be made to the claimant of the amount of the offer out of the Ship-source Oil Pollution Fund;
- (b) the claimant is then precluded from pursuing any rights that they may have had against any person in respect of matters referred to in sections 51, 71 and 77, Article III of the Civil Liability Convention and Article 3 of the Bunkers Convention in relation to the occurrence to which the offer of compensation relates;

(c) the Administrator is, to the extent of the payment to the claimant, subrogated to any rights of the claimant referred to in paragraph (b); and

(d) the Administrator shall take all reasonable measures to recover the amount of the payment from the owner of the ship, the International Fund, the Supplementary Fund or any other person liable and, for that purpose, the Administrator may commence an action in the Administrator's or the claimant's name, including a claim against the fund of the owner of a ship established under the Civil Liability Convention and may enforce any security provided to or enforceable by the claimant.

**Public:**

"passenger" means

- (a) a person carried on board a ship in circumstances described in paragraph 2(a) or (b) of Article 7 of the Convention;
- (b) a participant in an adventure tourism activity referred to in subsection 37.1(1);
- (c) a person carried on board a vessel propelled manually by paddles or oars and operated for a commercial or public purpose; and
- (d) a sail trainee.

Extended meaning of expressions

25. (1) For the purposes of this Part and Articles 1 to 15 of the Convention,

- (a) "ship" means any vessel or craft designed, used or capable of being used solely or partly for navigation, without regard to method or lack of propulsion, and includes
  - (i) a ship in the process of construction from the time that it is capable of floating, and

- (ii) a ship that has been stranded, wrecked or sunk and any part of a ship that has broken up,

but does not include an air cushion vehicle or a floating platform constructed for the purpose of exploring or exploiting the natural resources or the subsoil of the sea-bed;

- (b) the definition "shipowner" in paragraph 2 of Article 1 of the Convention shall be read without reference to the word "seagoing" and as including any person who has an interest in or possession of a ship from and including its launching; and

- (c) the expression "carriage by sea" in paragraph 1(b) of Article 2 of the Convention shall be read as "carriage by water".

Inconsistency

(2) In the event of any inconsistency between sections 28 to 34 of this Act and Articles 1 to 15 of the Convention, those sections prevail to the extent of the inconsistency.

Application

Force of law

26. (1) Subject to the other provisions of this Part, Articles 1 to 15 and 18 of the Convention and

Articles 8 and 9 of the Protocol have the force of law in Canada.  
Amendments to Part 3 of Schedule 1

(2) The Governor in Council may, by regulation, amend Part 3 of Schedule 1 to add or delete a reservation made by Canada under Article 18 of the Convention.

Exceptions

(3) This Part does not apply to a claim that is the subject of a reservation made by Canada.

2001, c. 6, s. 26; 2009, c. 21, s. 2.

State Party to the Convention

27. For purposes of the application of the Convention, Canada is a State Party to the Convention

### **Political:**

Links Canadian Law and Marine Liability to international conventions of which she is a signatory, namely London and Athens.

### **Military:**

If designated by Minister:

128. (1) A designated officer may, for the purpose of verifying compliance or preventing non-compliance with this Act, board a ship at any reasonable time. To that end, the designated officer may

(a) direct the ship to stop; and

(b) direct the ship to proceed to a place specified by them.

Duty to assist

(2) The owner, the master of the ship and any other person on board shall give a designated officer all reasonable assistance to enable the officer to carry out their duties and functions.

2001, c. 6, s. 128; 2009, c. 21, s. 11.

Detention

129. (1) If a designated officer believes, on reasonable grounds, that an offence in respect of sections 55 or 73 or regulations made under paragraph 39(a) or (b) has been committed by or in respect of a ship, they may make a detention order in respect of the ship.

Order to be in writing

(2) A detention order must be in writing and be addressed to every person empowered to grant clearance in respect of the ship.

Detention order to be served on master

(3) Notice of a detention order must be served on the master of the ship

(a) by delivering a copy of the notice personally to the master; or

(b) if service cannot reasonably be effected in the manner provided in paragraph (a), by leaving a copy of the notice with the person who is, or appears to be, in charge of the ship or, if there is no such person, by fixing a copy of it to a prominent part of the ship.

Contents of notice

(4) The notice must

(a) indicate the measures to be taken to ensure compliance with section 55 or 73 or regulations made under paragraph 39(a) or (b) that must be taken for the detention order to be revoked within any time specified in the order; and

(b) if an information has been laid in respect of the alleged offence, indicate the amount not exceeding \$100,000 and form of security that, pending the outcome of any proceedings related to the information, must be deposited with the Minister for the detention order to be revoked.

Revocation of orders

(5) A designated officer shall

(a) revoke a detention order made under this section if they are satisfied that the measures indicated in the notice have been taken and, if applicable, that security in the amount and form indicated in the notice has been deposited with the Minister; and

(b) notify, in the form and manner specified by the Minister, the master and the persons referred to in subsection (2) of the revocation.

Duty of persons empowered to give clearance

(6) No person to whom a detention order made under this section is addressed shall, after having received notice of the order, grant clearance to the ship in respect of which the order is made unless they are notified that the order has been revoked.

Movement of ship prohibited

(7) Subject to section 130, no person shall move a ship that is subject to a detention order made under this section.

Liability for expenses

(8) The owner of a ship that is detained under this section is liable for all expenses incurred in respect of the detained ship.

## Return of security

(9) The Minister, following the conclusion of any proceedings in respect of which security is deposited,

(a) may apply the security to reimburse Her Majesty in right of Canada, either fully or partially, if any of the expenses or any fine imposed is not paid; and

(b) shall return the security, or any part of it that remains if it is applied under paragraph (a), if all expenses and any fine imposed are paid.

## Regulations

(10) The Governor in Council may make regulations respecting the detention of ships, including the review of detention orders.

2001, c. 6, s. 129; 2009, c. 21, s. 11.

## Direction to move detained ship

130. The Minister may

(a) on application made by the owner or the master of a detained ship, in the form and manner prescribed by the Minister, permit the master to move it in accordance with the Minister's directions;

(b) on application made by the owner of a dock or wharf, or by the person in charge of a harbour, at which a detained ship is situated, in the form and manner prescribed by the Minister, direct the person who is, or appears to be, in charge of the ship to move the ship in accordance with the Minister's directions; and

(c) if a person to whom a direction is given under paragraph (b) does not comply with it and the Minister is satisfied that the applicant for the direction has sufficient insurance in place to cover any incident that may arise from the moving of the ship, authorize the applicant to move it in accordance with the Minister's directions and at the owner's expense.

2001, c. 6, s. 130; 2009, c. 21, s. 11.

## **Economic:**

### Maximum liability with regard to Passenger claims

28. (1) The maximum liability for maritime claims that arise on any distinct occasion for loss of life or personal injury to passengers of a ship of less than 300 gross tonnage is the greater of

(a) 2 000 000 units of account, and

(b) 175 000 units of account multiplied by

(i) the number of passengers that the ship is authorized to carry according to any Canadian maritime document required under the Canada Shipping Act, 2001, or

(ii) the number of passengers on board the ship, if no Canadian maritime document is required under that Act.

## Claims — no contract of carriage

(2) The maximum liability for maritime claims that arise on any distinct occasion for loss of life or personal injury to persons carried on board a ship of less than 300 gross tonnage otherwise than under a contract of passenger carriage is the greater of

(a) 2 000 000 units of account, and

(b) 175 000 units of account multiplied by

(i) the number of passengers that the ship is authorized to carry according to any Canadian maritime document required under the Canada Shipping Act, 2001, or

(ii) the number of persons on board the ship, if no Canadian maritime document is required under that Act.

## Exception

(3) Subsection (2) does not apply in respect of

(a) the master of a ship, a member of a ship's crew — or any other person employed or engaged in any capacity on the business of a ship — when they are carried on board the ship;

(b) a person carried on board a ship other than a ship operated for a commercial or public purpose;

© a person carried on board a ship in pursuance of the obligation on the master to carry shipwrecked, distressed or other persons or by reason of any circumstances that neither the master nor the owner could have prevented;

(c.1) a stowaway, a trespasser or any other person who boards a ship without the consent or knowledge of the master or the owner; or

(d) a person who is a member of a class of persons prescribed under paragraph 34.1(a).

2001, c. 6, s. 28; 2009, c. 21, s. 3.

## Other claims

29. The maximum liability for maritime claims that arise on any distinct occasion involving a ship of less than 300 gross tonnage, other than claims referred to in section 28, is

(a) \$1,000,000 in respect of claims for loss of life or personal injury; and

(b) \$500,000 in respect of any other claims.

2001, c. 6, s. 29, c. 26, s. 324; 2009, c. 21, s. 3.

## Calculation of tonnage

29.1 For the purposes of sections 28 and 29, a ship's gross tonnage shall be calculated in accordance with the tonnage measurement rules contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969, concluded at London on June 23, 1969, including any amendments, whenever they are made, to the Annexes or Appendix to that

Convention.  
2009, c. 21, s. 3.

#### Liability of Owners of Docks, Canals and Ports Limitation of liability

30. (1) The maximum liability of an owner of a dock, canal or port, for a claim that arises on any distinct occasion for loss caused to a ship, or to any cargo or other property on board a ship, is the greater of

(a) \$2,000,000, and

(b) the amount calculated by multiplying \$1,000 by the number of tons of the gross tonnage of the largest ship that is at the time of the loss, or had been within a period of five years before that time, within the area of the dock, canal or port over which the owner had control or management.

#### Calculation of tonnage

(2) For the purposes of subsection (1), a ship's gross tonnage shall be calculated in the manner described in section 29.1.

#### Application

(3) The maximum liability specified in subsection (1) also applies to any person for whose act or omission the owner is responsible.

#### Conduct barring limitation

(4) This section does not apply to an owner, or a person for whose act or omission the owner is responsible, if it is proved that the loss resulted from the personal act or omission of that owner or that person, as the case may be, committed with intent to cause the loss or recklessly and with knowledge that the loss would probably result.

#### Meaning of terms

(5) For the purposes of this section,

(a) "dock" includes wet docks and basins, tidal-docks and basins, locks, cuts, entrances, dry docks, graving docks, gridirons, slips, quays, wharfs, piers, stages, landing places, jetties and synchrolifts; and

(b) "owner of a dock, canal or port" includes any person or authority having the control or management of the dock, canal or port and any ship repairer using the dock, canal or port.

2001, c. 6, s. 30; 2009, c. 21, s. 4.

#### Amendment of Maximum Liability Amendment of limits

31. (1) The Governor in Council may, by regulation, amend Schedule 1 to implement an amendment that is made in accordance with Article 8 of the Protocol to any of the limits of liability that are specified in paragraph 1 of Article 6 or paragraph 1 of Article 7 of the Convention.

Amendment of sections 28, 29 and 30

(2) The Governor in Council may, by regulation, amend the limits of liability set out in sections 28, 29 and 30.

2001, c. 6, s. 31; 2009, c. 21, s. 5.

#### PART 4

#### LIABILITY FOR CARRIAGE OF PASSENGERS BY WATER

##### Interpretation

##### Definitions

35. The definitions in this section apply in this Part.

“Convention”

« Convention »

“Convention” means the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, concluded at Athens on December 13, 1974, as amended by the Protocol, Articles 1 to 22 of which Convention are set out in Part 1 of Schedule 2.

“Protocol”

« Protocole »

“Protocol” means the Protocol of 1990 to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, concluded at London on March 29, 1990, Articles III and VIII of which are set out in Part 2 of Schedule 2.

##### Extended meaning of expressions

36. (1) For the purposes of this Part and Articles 1 to 22 of the Convention,

(a) the definition “ship” in Article 1 of the Convention shall be read as including any vessel or craft designed, used or capable of being used solely or partly for navigation, whether seagoing or not, but not including an air cushion vehicle or a vessel propelled manually by paddles or oars; and

(b) in the definition “contract of carriage” in Article 1 of the Convention, the expression “carriage by sea” shall be read as “carriage by water”.

Owners of ships



(2) For greater certainty, in the application of the Convention under this Part, Article 19 of the Convention applies to owners of all ships, whether seagoing or not.

#### Inconsistency

(3) In the event of any inconsistency between this section and sections 35 and 37 to 40 of this Act and Articles 1 to 22 of the Convention, those sections prevail to the extent of the inconsistency.

2001, c. 6, s. 36; 2009, c. 21, s. 7.

#### Application

##### Force of law

37. (1) Articles 1 to 22 of the Convention have the force of law in Canada.

##### Extended application

(2) Articles 1 to 22 of the Convention also apply in respect of

(a) the carriage by water, under a contract of carriage, of passengers or of passengers and their luggage from one place in Canada to the same or another place in Canada, either directly or by way of a place outside Canada; and

(b) the carriage by water, otherwise than under a contract of carriage, of persons or of persons and their luggage, excluding

(i) the master of a ship, a member of a ship's crew or any other person employed or engaged in any capacity on board a ship on the business of the ship,

(ii) a person carried on board a ship other than a ship operated for a commercial or public purpose,

(iii) a person carried on board a ship in pursuance of the obligation on the master to carry shipwrecked, distressed or other persons or by reason of any circumstances that neither the master nor the owner could have prevented, and

(iv) a stowaway, a trespasser or any other person who boards a ship without the consent or knowledge of the master or the owner.

2001, c. 6, s. 37; 2009, c. 21, s. 8.

#### Exception — adventure tourism activities

37.1 (1) This Part does not apply to an adventure tourism activity that meets the following conditions:

(a) it exposes participants to an aquatic environment;

(b) it normally requires safety equipment and procedures beyond those normally used in the

carriage of passengers;

© participants are exposed to greater risks than passengers are normally exposed to in the carriage of passengers;

(d) its risks have been presented to the participants and they have accepted in writing to be exposed to them; and

(e) any condition prescribed under paragraph 39©.

Exception — persons

(2) This Part does not apply to the carriage of a sail trainee or a person who is a member of a class of persons prescribed under paragraph 39(d).

2009, c. 21, s. 9.

State Party to the Convention

38. For purposes of the application of the Convention, Canada is a State Party to the Convention.

## LIABILITY FOR CARRIAGE OF GOODS BY WATER

### Interpretation

#### Definitions

41. The definitions in this section apply in this Part.

“Hague-Visby Rules”

« règles de La Haye-Visby »

“Hague-Visby Rules” means the rules set out in Schedule 3 and embodied in the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading, concluded at Brussels on August 25, 1924, in the Protocol concluded at Brussels on February 23, 1968, and in the additional Protocol concluded at Brussels on December 21, 1979.

“Hamburg Rules”

« règles de Hambourg »

“Hamburg Rules” means the rules set out in Schedule 4 and embodied in the United Nations Convention on the Carriage of Goods by Sea, 1978, concluded at Hamburg on March 31, 1978.

#### Other statutory limitations of liability

42. Nothing in this Part affects the operation of any other Part of this Act, or section 250 of the Canada Shipping Act, 2001, or a provision of any other Act or regulation that limits the liability of owners of ships.

2001, c. 6, s. 42, c. 26, s. 324.

## Hague-Visby Rules Effect

43. (1) The Hague-Visby Rules have the force of law in Canada in respect of contracts for the carriage of goods by water between different states as described in Article X of those Rules.  
Extended application

(2) The Hague-Visby Rules also apply in respect of contracts for the carriage of goods by water from one place in Canada to another place in Canada, either directly or by way of a place outside Canada, unless there is no bill of lading and the contract stipulates that those Rules do not apply.

## Meaning of “Contracting State”

(3) For the purposes of this section, the expression “Contracting State” in Article X of the Hague-Visby Rules includes Canada and any state that, without being a Contracting State, gives the force of law to the rules embodied in the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading, concluded at Brussels on August 25, 1924 and in the Protocol concluded at Brussels on February 23, 1968, regardless of whether that state gives the force of law to the additional Protocol concluded at Brussels on December 21, 1979.

## Replacement by Hamburg Rules

(4) The Hague-Visby Rules do not apply in respect of contracts entered into after the coming into force of section 45.

## Hamburg Rules Report to Parliament

44. The Minister shall, before January 1, 2005 and every five years afterwards, consider whether the Hague-Visby Rules should be replaced by the Hamburg Rules and cause a report setting out the results of that consideration to be laid before each House of Parliament.  
Effect

45. (1) The Hamburg Rules have the force of law in Canada in respect of contracts for the carriage of goods by water between different states as described in Article 2 of those Rules.  
Extended application

(2) The Hamburg Rules also apply in respect of contracts for the carriage of goods by water from one place in Canada to another place in Canada, either directly or by way of a place outside Canada, unless the contract stipulates that those Rules do not apply.

## **Social:**

Exception — adventure tourism activities

37.1 (1) This Part does not apply to an adventure tourism activity that meets the following conditions:

- (a) it exposes participants to an aquatic environment;
- (b) it normally requires safety equipment and procedures beyond those normally used in the carriage of passengers;
- (c) participants are exposed to greater risks than passengers are normally exposed to in the carriage of passengers;
- (d) its risks have been presented to the participants and they have accepted in writing to be exposed to them; and
- (e) any condition prescribed under paragraph 39(c).

**Information:**

Communication of information

(2) The Administrator shall communicate to the Minister and

- (a) the Director of the International Fund, the information referred to in Article 15 of the Fund Convention, in accordance with that Article; or
- (b) the Director of the Supplementary Fund, the information referred to in Article 13 of the Supplementary Fund Protocol, in accordance with that Article.

**Infrastructure:**

Establishes the legal liability of owners of infra-structure

**Physical Geography:**

Applicable to Arctic & Canada's EEZ &

Jurisdiction in relation to offences

133. When a person or a ship is charged with having committed an offence under this Act, any court in Canada that would have had cognizance of the offence if it had been committed by a person or ship within the limits of its ordinary jurisdiction has jurisdiction to try the offence as if it had been committed there.

**Time:**

Enduring Legislation

## **A.2.18 Overview: Marine Transportation Security Act**

**Lead Department:** Transport Canada

### **Joint:**

(3) This Act does not apply in respect of

(a) vessels and marine facilities operated under the authority of the Minister of National Defence; or

(b) military vessels of a foreign country to the extent that the Minister of National Defence may

### **Interagency:**

<http://laws.justice.gc.ca/eng/M-0.8/>

ISPS Code as interpreted for implementation - <http://laws.justice.gc.ca/eng/SOR-2004-144/index.html>

By its very nature full and thorough implementation and execution of ISPS Code and MTSA require high levels of inter-agency cooperation. The post 9/11 Maritime Security context is very different from what went before and now demands a whole government response to issues that affect not just security but environmental protection and safety issues.

### **Multinational:**

The IMO states that "The International Ship and Port Facility Security Code (ISPS Code) is a comprehensive set of measures to enhance the security of ships and port facilities, developed in response to the perceived threats to ships and port facilities in the wake of the 9/11 attacks in the United States" (IMO).

The U.S. Coast Guard, as the lead agency in the United States delegation to the International Maritime Organization (IMO), advocated for the measure. The Code follows US legislation created under MTSA. The Code was agreed at a meeting of the 108 signatories to the SOLAS convention in London in December 2002. The measures agreed under the Code were brought into force on July 1, 2004.

[edit] Scope

The Code is a two-part document describing minimum requirements for security of ships and ports. Part A provides mandatory requirements. Part B provides guidance for implementation.

The ISPS Code applies to ships on international voyages (including passenger ships, cargo ships of 500 GT and upwards, and mobile offshore drilling units) and the port facilities serving such ships.[3]

The main objectives of the ISPS Code are:

To detect security threats and implement security measures

To establish roles and responsibilities concerning maritime security for governments, local administrations, ship and port industries at the national and international level  
To collate and promulgate security-related information  
To provide a methodology for security assessments so as to have in place plans and procedures to react to changing security levels

**Public:**

SECURITY RULES

Purpose of section

10. (1) The purpose of this section is to allow operators of vessels and marine facilities to formulate and operate under security rules as an alternative to security measures required or authorized by the Minister, but this section does not limit the authority of the Minister to require or authorize security measures.

Formulation of rules

(2) The operator of a vessel or marine facility may formulate rules respecting any matter relating to the security of the vessel or facility and the operator may submit the rules to the Minister for approval.

**Political:**

Canada's acceptance and compliance with ISPS Code as ratified within MTSA is clear and unequivocal political support for these pieces of legislation.

**Military:**

Maritime Security of Shipping and Port Facilities is not a direct military concern although DND/CF could be called to assist in support of OGDs. There are jurisdictional issues which need to be overcome and NB Military Vessels and facilities are not covered by MTSA.

**Economic:**

Non compliance with ISPS Code and by default MTSA would preclude free trade with US.

**Social:**

108 Countries have endorsed / ratified ISPS Code since it was drafted in 2002 and published in 2004.

ISPS Code carries weight of IMO & UN.

**Information:**

<http://www.imo.org/> & GUIDANCE TO GOVTS via:

[http://www.imo.org/includes/blastDataOnly.asp/data\\_id%3D10839/1131.doc](http://www.imo.org/includes/blastDataOnly.asp/data_id%3D10839/1131.doc)

**Infrastructure:**

Covers all international ports and facilities in Canada (+50% international trade).

4. (1) Subject to subsections (2) and (3), this Act applies in respect of

- (a) vessels and marine facilities in Canada;
- (b) Canadian ships outside Canada; and
- (c) marine installations and structures, as provided in sections 5 and 6 of the Canadian Laws Offshore Application Act.

**Physical Geography:**

N/A

**Time:**

Enduring legislation

## **A.2.19 Overview: Oceans Act**

**Lead Department: Department of Fisheries and Oceans**

### **Joint:**

Coast guard services

41. (1) As the Minister responsible for coast guard services, the powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to

(a) services for the safe, economical and efficient movement of ships in Canadian waters through the provision of

(i) aids to navigation systems and services,

(ii) marine communications and traffic management services,

(iii) ice breaking and ice management services, and

(iv) channel maintenance;

(b) the marine component of the federal search and rescue program;

(c) [Repealed, 2005, c. 29, s. 36]

(d) marine pollution response; and

(e) the support of departments, boards and agencies of the Government of Canada through the provision of ships, aircraft and other marine services.

### **Interagency:**

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Prevention in contiguous zone of infringement of federal laws

11. A person who is responsible for the enforcement of a federal law that is a customs, fiscal, immigration or sanitary law and who has reasonable grounds to believe that a person in the contiguous zone of Canada would, if that person were to enter Canada, commit an offence under that law may, subject to Canada's international obligations, prevent the entry of that person into Canada or the commission of the offence and, for greater certainty, section 25 of the Criminal Code applies in respect of the exercise by a person of any powers under this section.

Enforcement in contiguous zone of federal laws

12. (1) Where there are reasonable grounds to believe that a person has committed an offence in Canada in respect of a federal law that is a customs, fiscal, immigration or sanitary law, every



power of arrest, entry, search or seizure or other power that could be exercised in Canada in respect of that offence may also be exercised in the contiguous zone of Canada.

#### Limitation

(2) A power of arrest referred to in subsection (1) shall not be exercised in the contiguous zone of Canada on board any ship registered outside Canada without the consent of the Attorney General of Canada.

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#### Application of federal laws — continental shelf installations

20. (1) Subject to any regulations made pursuant to paragraph 26(1)(j) or (k), federal laws apply

- (a) on or under any marine installation or structure from the time it is attached or anchored to the continental shelf of Canada in connection with the exploration of that shelf or the exploitation of its mineral or other non-living resources until the marine installation or structure is removed from the waters above the continental shelf of Canada;
- (b) on or under any artificial island constructed, erected or placed on the continental shelf of Canada; and
- (c) within such safety zone surrounding any marine installation or structure or artificial island referred to in paragraph (a) or (b) as is determined by or pursuant to the regulations.

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#### Development and implementation of strategy

29. The Minister, in collaboration with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, shall lead and facilitate the development and implementation of a national strategy for the management of estuarine, coastal and marine ecosystems in waters that form part of Canada or in which Canada has sovereign rights under international law.

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#### Integrated management plans

31. The Minister, in collaboration with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, shall lead and facilitate the development and implementation of plans for the integrated management of all activities or measures in or affecting estuaries, coastal waters and marine waters that form part of Canada or in which Canada has sovereign rights under international law.

#### Implementation of integrated management plans

32. For the purpose of the implementation of integrated management plans, the Minister

- (a) shall develop and implement policies and programs with respect to matters assigned by law to the Minister;
- (b) shall coordinate with other ministers, boards and agencies of the Government of Canada the implementation of policies and programs of the Government with respect to all activities or measures in or affecting coastal waters and marine waters;
- (c) may, on his or her own or jointly with another person or body or with another minister, board or agency of the Government of Canada, and taking into consideration the views of other ministers, boards and agencies of the Government of Canada, provincial and territorial governments and affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements,
- (i) establish advisory or management bodies and appoint or designate, as appropriate, members of those bodies, and

- (ii) recognize established advisory or management bodies; and

- (d) may, in consultation with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements, establish marine environmental quality guidelines, objectives and criteria respecting estuaries, coastal waters and marine waters.

#### Cooperation and agreements

33. (1) In exercising the powers and performing the duties and functions assigned to the Minister by this Act, the Minister

- (a) shall cooperate with other ministers, boards and agencies of the Government of Canada, with provincial and territorial governments and with affected aboriginal organizations, coastal communities and other persons and bodies, including those bodies established under land claims agreements;

- (b) may enter into agreements with any person or body or with another minister, board or agency of the Government of Canada;

- (c) shall gather, compile, analyse, coordinate and disseminate information;

- (d) may make grants and contributions on terms and conditions approved by the Treasury Board; and

- (e) may make recoverable expenditures on behalf of and at the request of any other minister, board or agency of the Government of Canada or of a province or any person or body.

41 (e) the support of departments, boards and agencies of the Government of Canada through the provision of ships, aircraft and other marine services.

DFO Responsibilities—General—The responsibility for the provision of the maritime component of the federal search and rescue program rests with the Department of Fisheries and

Oceans (DFO) and the Canadian Coast Guard. This responsibility is assigned to DFO through the Oceans Act (Annex 1B).

### **Multinational:**

Sovereign rights and jurisdiction of Canada

14. Canada has

(a) sovereign rights in the exclusive economic zone of Canada for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the exclusive economic zone of Canada, such as the production of energy from the water, currents and winds;

(b) jurisdiction in the exclusive economic zone of Canada with regard to

(i) the establishment and use of artificial islands, installations and structures,

(ii) marine scientific research, and

(iii) the protection and preservation of the marine environment; and

(c) other rights and duties in the exclusive economic zone of Canada provided for under international law.

Rights of Her Majesty

15. (1) For greater certainty, any rights of Canada in the seabed and subsoil of the exclusive economic zone of Canada and their resources are vested in Her Majesty in right of Canada.

### **Public:**

Fisheries and Oceans Canada, frequently referred to as DFO (Department of Fisheries and Oceans), is the department within the government of Canada that is responsible for developing and implementing policies and programs in support of Canada's economic, ecological and scientific interests in oceans and inland waters. Its mandate includes responsibility for the conservation and sustainable use of Canada's fisheries resources while continuing to provide safe, effective and environmentally sound marine services that are responsive to the needs of Canadians in a global economy.

The stated vision of the department is "Excellence in service to Canadians to ensure the sustainable development and safe use of Canadian waters."

The department mandate is largely focused on the conservation and allotment of quotas for salt water fisheries on the Atlantic, Pacific and Arctic coasts of Canada.

### **Political:**

Sovereign rights and jurisdiction of Canada

14. Canada has

(a) sovereign rights in the exclusive economic zone of Canada for the purpose of exploring and

exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the exclusive economic zone of Canada, such as the production of energy from the water, currents and winds;

(b) jurisdiction in the exclusive economic zone of Canada with regard to

(i) the establishment and use of artificial islands, installations and structures,

(ii) marine scientific research, and

(iii) the protection and preservation of the marine environment; and

(c) other rights and duties in the exclusive economic zone of Canada provided for under international law.

Rights of Her Majesty

15. (1) For greater certainty, any rights of Canada in the seabed and subsoil of the exclusive economic zone of Canada and their resources are vested in Her Majesty in right of Canada.

Application of federal laws — continental shelf installations

20. (1) Subject to any regulations made pursuant to paragraph 26(1)(j) or (k), federal laws apply (a) on or under any marine installation or structure from the time it is attached or anchored to the continental shelf of Canada in connection with the exploration of that shelf or the exploitation of its mineral or other non-living resources until the marine installation or structure is removed from the waters above the continental shelf of Canada;

(b) on or under any artificial island constructed, erected or placed on the continental shelf of Canada; and

(c) within such safety zone surrounding any marine installation or structure or artificial island referred to in paragraph (a) or (b) as is determined by or pursuant to the regulations.

### PART III

#### POWERS, DUTIES AND FUNCTIONS OF THE MINISTER

##### General

##### Powers, duties and functions of the Minister

40. (1) As the Minister responsible for oceans, the powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to the policies and programs of the Government of Canada respecting oceans.

##### Encouragement of activities

(2) For the purpose of subsection (1), the Minister shall encourage activities necessary to foster understanding, management and sustainable development of oceans and marine resources and the provision of coast guard and hydrographic services to ensure the facilitation of marine trade, commerce and safety in collaboration with other ministers of the Government of Canada.

**Military:**

N/A

**Economic:**

Sovereign rights and jurisdiction of Canada

14. Canada has

(a) sovereign rights in the exclusive economic zone of Canada for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the exclusive economic zone of Canada, such as the production of energy from the water, currents and winds;

(b) jurisdiction in the exclusive economic zone of Canada with regard to

(i) the establishment and use of artificial islands, installations and structures,

(ii) marine scientific research, and

(iii) the protection and preservation of the marine environment; and

(c) other rights and duties in the exclusive economic zone of Canada provided for under international law.

Rights of Her Majesty

15. (1) For greater certainty, any rights of Canada in the seabed and subsoil of the exclusive economic zone of Canada and their resources are vested in Her Majesty in right of Canada.

Continental shelf of Canada

17. (1) The continental shelf of Canada is the seabed and subsoil of the submarine areas, including those of the exclusive economic zone of Canada, that extend beyond the territorial sea of Canada throughout the natural prolongation of the land territory of Canada

(a) subject to paragraphs (b) and (c), to the outer edge of the continental margin, determined in the manner under international law that results in the maximum extent of the continental shelf of Canada, the outer edge of the continental margin being the submerged prolongation of the land mass of Canada consisting of the seabed and subsoil of the shelf, the slope and the rise, but not including the deep ocean floor with its oceanic ridges or its subsoil;

(b) to a distance of 200 nautical miles from the baselines of the territorial sea of Canada where the outer edge of the continental margin does not extend up to that distance; or

(c) in respect of a portion of the continental shelf of Canada for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(iii), to lines determined from the geographical coordinates of points so prescribed.

Determination of the outer limit of the continental shelf of Canada

(2) For greater certainty, paragraphs (1)(a) and (b) apply regardless of whether regulations are made pursuant to subparagraph 25(a)(iv) prescribing geographical coordinates of points from which the outer edge of the continental margin or other outer limit of the continental shelf of Canada may be determined.

#### Ocean Management Strategy:

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#### Principles of strategy

30. The national strategy will be based on the principles of

(a) sustainable development, that is, development that meets the needs of the present without compromising the ability of future generations to meet their own needs;

(b) the integrated management of activities in estuaries, coastal waters and marine waters that form part of Canada or in which Canada has sovereign rights under international law; and

(c) the precautionary approach, that is, erring on the side of caution.

#### Coast Guard Services

41. (1) As the Minister responsible for coast guard services, the powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to

(a) services for the safe, economical and efficient movement of ships in Canadian waters through the provision of

(i) aids to navigation systems and services,

(ii) marine communications and traffic management services,

(iii) ice breaking and ice management services, and

(iv) channel maintenance;

(b) the marine component of the federal search and rescue program;

(c) [Repealed, 2005, c. 29, s. 36]

(d) marine pollution response; and

(e) the support of departments, boards and agencies of the Government of Canada through the provision of ships, aircraft and other marine services.

#### Cost effective

(2) The Minister shall ensure that the services referred to in subparagraphs (1)(a)(i) to (iv) are

provided in a cost effective manner.

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Fees in respect of regulatory processes, etc.

49. (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix fees in respect of regulatory processes or approvals provided under this Act by the Minister, the Department or any board or agency of the Government of Canada for which the Minister has responsibility.

Amount

(2) Fees that are fixed under subsection (1) shall in the aggregate not exceed an amount sufficient to compensate Her Majesty in right of Canada for any reasonable outlays incurred by Her Majesty for the purpose of providing the regulatory processes or approvals.

Consultation

50. (1) Before fixing a fee under this Act, the Minister shall consult with such persons or bodies as the Minister considers to be interested in the matter.

Publication

(2) The Minister shall, within 30 days after fixing a fee under this Act, publish the fee in the Canada Gazette and by such appropriate electronic or other means that the Treasury Board may authorize by regulation.

Reference to Scrutiny Committee

(3) Any fee fixed under this Act shall stand referred to the Committee referred to in section 19 of the Statutory Instruments Act to be reviewed and scrutinized as if it were a statutory instrument.

Power to make regulations

51. The Treasury Board may make regulations for the purposes of section 47, 48, 49 or 50.

### **Social:**

For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from any

existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the Constitution Act, 1982.

### **Information:**

Coast Guard Services

Coast guard services

41. (1) As the Minister responsible for coast guard services, the powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction, not assigned by law to any other department, board or agency of the Government of Canada, relating to

- (a) services for the safe, economical and efficient movement of ships in Canadian waters through the provision of
  - (i) aids to navigation systems and services,
  - (ii) marine communications and traffic management services,
  - (iii) ice breaking and ice management services, and
  - (iv) channel maintenance;
- (b) the marine component of the federal search and rescue program;
- (c) [Repealed, 2005, c. 29, s. 36]
- (d) marine pollution response; and
- (e) the support of departments, boards and agencies of the Government of Canada through the provision of ships, aircraft and other marine services.

**Infrastructure:**

Defined as:

“marine installation or structure” includes

- (a) any ship and any anchor, anchor cable or rig pad used in connection therewith,
- (b) any offshore drilling unit, production platform, subsea installation, pumping station, living accommodation, storage structure, loading or landing platform, dredge, floating crane, pipelaying or other barge or pipeline and any anchor, anchor cable or rig pad used in connection therewith, and
- (c) any other work or work within a class of works prescribed pursuant to paragraph 26(1)(a);

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Application of federal laws — continental shelf installations

20. (1) Subject to any regulations made pursuant to paragraph 26(1)(j) or (k), federal laws apply
- (a) on or under any marine installation or structure from the time it is attached or anchored to the continental shelf of Canada in connection with the exploration of that shelf or the exploitation of its mineral or other non-living resources until the marine installation or structure is removed from the waters above the continental shelf of Canada;
  - (b) on or under any artificial island constructed, erected or placed on the continental shelf of Canada; and
  - (c) within such safety zone surrounding any marine installation or structure or artificial island



referred to in paragraph (a) or (b) as is determined by or pursuant to the regulations.  
Interpretation

(2) For the purposes of subsection (1), federal laws shall be applied

- (a) as if the places referred to in that subsection formed part of the territory of Canada;
- (b) notwithstanding that by their terms their application is limited to Canada; and
- (c) in a manner that is consistent with the rights and freedoms of other states under international law and, in particular, with the rights and freedoms of other states in relation to navigation and overflight.

Application of provincial law

21. (1) Subject to this section and to any other Act of Parliament, the laws of a province apply to the same extent as federal laws apply pursuant to section 20 in any area of the sea

- (a) that forms part of the exclusive economic zone of Canada or is above the continental shelf of Canada;
- (b) that is not within any province; and
- (c) that is prescribed by the regulations.

Limitation

(2) Subject to any regulations made pursuant to paragraph 26(1)(d), subsection (1) does not apply in respect of any provision of a law of a province that

- (a) imposes a tax or royalty; or
- (b) relates to mineral or other non-living natural resources.

Interpretation

(3) For the purposes of this section, the laws of a province shall be applied as if the area of the sea in which those laws apply under this section were within the territory of that province.

### **Physical Geography:**

#### **CANADA'S MARITIME ZONES**

##### **Territorial Sea and Contiguous Zone**

##### **Territorial sea of Canada**

4. The territorial sea of Canada consists of a belt of sea that has as its inner limit the baselines described in section 5 and as its outer limit

- (a) subject to paragraph (b), the line every point of which is at a distance of 12 nautical miles from the nearest point of the baselines; or
- (b) in respect of the portions of the territorial sea of Canada for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(ii), lines determined from the geographical coordinates of points so prescribed.

Determination of the baselines

5. (1) Subject to subsections (2) and (3), the baseline is the low-water line along the coast or on a low-tide elevation that is situated wholly or partly at a distance not exceeding the breadth of the territorial sea of Canada from the mainland or an island.

Geographical coordinates of points

(2) In respect of any area for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(i) and subject to any exceptions in the regulations for

(a) the use of the low-water line along the coast between given points, and

(b) the use of the low-water lines of low-tide elevations that are situated wholly or partly at a distance not exceeding the breadth of the territorial sea of Canada from the mainland or an island,

the baselines are straight lines interpreted as geodesics joining the consecutive geographical coordinates of points so prescribed.

Baselines where historic title

(3) In respect of any area not referred to in subsection (2), the baselines are the outer limits of any area, other than the territorial sea of Canada, over which Canada has a historic or other title of sovereignty.

Low-tide elevations

(4) For the purposes of this section, a low-tide elevation is a naturally formed area of land that is surrounded by and above water at low tide but submerged at high tide.

Internal waters of Canada

6. The internal waters of Canada consist of the waters on the landward side of the baselines of the territorial sea of Canada.

Part of Canada

7. For greater certainty, the internal waters of Canada and the territorial sea of Canada form part of Canada.

Rights of Her Majesty

8. (1) For greater certainty, in any area of the sea not within a province, the seabed and subsoil below the internal waters of Canada and the territorial sea of Canada are vested in Her Majesty in right of Canada.

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## Contiguous zone of Canada

10. The contiguous zone of Canada consists of an area of the sea that has as its inner limit the outer limit of the territorial sea of Canada and as its outer limit the line every point of which is at a distance of 24 nautical miles from the nearest point of the baselines of the territorial sea of Canada, but does not include an area of the sea that forms part of the territorial sea of another state or in which another state has sovereign rights.

## Exclusive Economic Zone

### Exclusive economic zone of Canada

13. (1) The exclusive economic zone of Canada consists of an area of the sea beyond and adjacent to the territorial sea of Canada that has as its inner limit the outer limit of the territorial sea of Canada and as its outer limit

(a) subject to paragraph (b), the line every point of which is at a distance of 200 nautical miles from the nearest point of the baselines of the territorial sea of Canada; or

(b) in respect of a portion of the exclusive economic zone of Canada for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(iii), lines determined from the geographical coordinates of points so prescribed.

Determination of the outer limit of the exclusive economic zone of Canada

(2) For greater certainty, paragraph (1)(a) applies regardless of whether regulations are made pursuant to subparagraph 25(a)(iv) prescribing geographical coordinates of points from which the outer limit of the exclusive economic zone of Canada may be determined.

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## Continental Shelf

### Continental shelf of Canada

17. (1) The continental shelf of Canada is the seabed and subsoil of the submarine areas, including those of the exclusive economic zone of Canada, that extend beyond the territorial sea of Canada throughout the natural prolongation of the land territory of Canada

(a) subject to paragraphs (b) and (c), to the outer edge of the continental margin, determined in the manner under international law that results in the maximum extent of the continental shelf of Canada, the outer edge of the continental margin being the submerged prolongation of the land mass of Canada consisting of the seabed and subsoil of the shelf, the slope and the rise, but not including the deep ocean floor with its oceanic ridges or its subsoil;

(b) to a distance of 200 nautical miles from the baselines of the territorial sea of Canada where the outer edge of the continental margin does not extend up to that distance; or

(c) in respect of a portion of the continental shelf of Canada for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(iii), to lines determined from the geographical coordinates of points so prescribed.

Determination of the outer limit of the continental shelf of Canada

(2) For greater certainty, paragraphs (1)(a) and (b) apply regardless of whether regulations are made pursuant to subparagraph 25(a)(iv) prescribing geographical coordinates of points from which the outer edge of the continental margin or other outer limit of the continental shelf of Canada may be determined.

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Continental Shelf

Continental shelf of Canada

17. (1) The continental shelf of Canada is the seabed and subsoil of the submarine areas, including those of the exclusive economic zone of Canada, that extend beyond the territorial sea of Canada throughout the natural prolongation of the land territory of Canada

(a) subject to paragraphs (b) and (c), to the outer edge of the continental margin, determined in the manner under international law that results in the maximum extent of the continental shelf of Canada, the outer edge of the continental margin being the submerged prolongation of the land mass of Canada consisting of the seabed and subsoil of the shelf, the slope and the rise, but not including the deep ocean floor with its oceanic ridges or its subsoil;

(b) to a distance of 200 nautical miles from the baselines of the territorial sea of Canada where the outer edge of the continental margin does not extend up to that distance; or

(c) in respect of a portion of the continental shelf of Canada for which geographical coordinates of points have been prescribed pursuant to subparagraph 25(a)(iii), to lines determined from the geographical coordinates of points so prescribed.

Determination of the outer limit of the continental shelf of Canada

(2) For greater certainty, paragraphs (1)(a) and (b) apply regardless of whether regulations are made pursuant to subparagraph 25(a)(iv) prescribing geographical coordinates of points from which the outer edge of the continental margin or other outer limit of the continental shelf of Canada may be determined.

### **Time:**

Enduring Legislation

## **A.2.20 Overview: Arctic Waters Pollution Prevention Act**

**Lead Department:** Department of Fisheries and Oceans

**Joint:**

N/A

**Interagency:**

ENFORCEMENT

Pollution prevention officers

14. (1) The Governor in Council may designate any person as a pollution prevention officer with such of the powers set out in sections 15 and 23 as are specified in the certificate of designation of that person.

Certificate to be produced

(2) A pollution prevention officer shall be furnished with a certificate of his designation specifying the powers set out in sections 15 and 23 that are vested in the officer, and on exercising any such power a pollution prevention officer shall, if so required, produce the certificate to any person in authority who is affected thereby and who requires the officer to do so.

R.S., c. 2(1st Supp.), s. 14.

**Multinational:**

Orders exempting ships of foreign powers

(2) The Governor in Council may by order exempt from the application of any regulations made under subsection (1) any ship or class of ship that is owned or operated by a sovereign power, other than Canada, where the Governor in Council is satisfied that

(a) appropriate measures have been taken by or under the authority of that sovereign power to ensure the compliance of the ship with, or with standards substantially equivalent to, standards prescribed by regulations made under paragraph (1)(a) that would otherwise be applicable to it within any shipping safety control zone; and

(b) in all other respects all reasonable precautions have been or will be taken to reduce the danger of any deposit of waste resulting from the navigation of the ship within that shipping safety control zone.

**Public:**

N/A

## **Political:**

Application to arctic waters

3. (1) Except where otherwise provided, this Act applies to the arctic waters.  
Adjacent waters included in arctic waters

(2) In so far as this Act applies to or in respect of any person described in paragraph 6(1)(a), the expression "arctic waters" includes all the waters described in the definition of that expression in section 2 and all waters adjacent thereto lying north of the sixtieth parallel of north latitude, the natural resources of whose subjacent submarine areas Her Majesty in right of Canada has the right to dispose of or exploit, whether the waters so described or those adjacent waters are in a frozen or liquid state, but does not include inland waters.

AWPA is consistent with - Canada's Northern Strategy and its central core of:

The Northern Dimension of Canada's Foreign Policy sets out a vision for Canada and its place in the circumpolar world, based on cooperation with people in the North and Canada's circumpolar neighbours. It delivers the international dimensions of the four pillars of Canada's integrated Northern Strategy:

Protecting Canada's environmental heritage;  
Promoting economic and social development;  
Exercising Canada's sovereignty;  
Improving and devolving governance.

Canada recognises the importance of addressing these issues through the Arctic Council, other multilateral institutions and its bilateral partnerships. Established in Ottawa in 1996, the Arctic Council is a high-level forum created to advance circumpolar cooperation. Canada was the first Chair, to 1998, and will assume chairmanship again in 2013. Member states are Canada, Iceland, Norway, Russia, the United States and 3 EU Member States: Denmark, Finland and Sweden.

Canada and the EU – working together

At their Summit in Quebec City in October 2008, Canadian and EU Leaders reiterated their shared interest and objectives for the Arctic and the North, which include, among others, protecting the environment and ensuring that Northerners can contribute to economic and social development in the region now and in future generations. They recognized and reiterated the importance of, and the global interest in, the international scientific community's research activities. Canada and the EU also committed to preparing a joint progress report on Arctic cooperation in 2009, taking into account work completed in the context of the Northern Dimension and the Arctic Council.

At the 2009 Summit, Leaders agree to maintain a bilateral dialogue and cooperate on Arctic issues, with a focus on research and the concerns and interests of Arctic peoples and communities.

#### Health and Social Well-being in the Arctic

Canada and the EU share a history of working together on Northern policy issues by engaging in political discussions and practical cooperation in a range of different areas. Health and social well being were identified as two important sectors of collaboration in the EU's Northern Dimension Action Plan adopted in 2000. In 2003 Canada became one of the founding members of a new 'Northern Dimension Partnership in Public Health and Social Well-being' (NDPHS), an organisation bringing together 13 countries, the European Commission and 8 international organisations.

The NDPHS is an international initiative aiming to improve health and social conditions in the Northern Dimension area, especially in north-eastern Europe. Canadian experts share experiences and policies with European counterparts in areas such as alcohol-related harm at the national level and in Aboriginal communities, prison health and HIV/AIDS. Canada is an Associated Partner and a member of three of the four Expert Groups: HIV/AIDS; Primary Health Care; Prison Health; and Social Inclusion, Health Lifestyles and Work Ability. It also has an active role in the Strategy Working Group.

<http://www.canadainternational.gc.ca/eu-ue/policies-politiques/arctic-arctique.aspx?lang=eng>

#### **Military:**

N/A

#### **Economic:**

Civil liability resulting from deposit of waste

6. (1) The following persons, namely,

- (a) any person who is engaged in exploring for, developing or exploiting any natural resource on any land adjacent to the arctic waters or in any submarine area subjacent to the arctic waters,
- (b) any person who carries on any undertaking on the mainland or islands of the Canadian arctic or in the arctic waters, and
- (c) the owner of any ship that navigates within the arctic waters and the owners of the cargo of any such ship,

are respectively liable and, in the case of the owner of a ship and the owners of the cargo thereof, are jointly and severally liable, up to the amount determined in the manner prescribed by regulations made under section 9 in respect of the activity or undertaking so engaged in or carried on or in respect of that ship, as the case may be, for costs, expenses and loss or damage described in subsection (2).

Extent of liability

(2) Liability under subsection (1) is

- (a) for all costs and expenses of and incidental to the taking of action described in subsection (3) on the direction of the Governor in Council, and

(b) for all actual loss or damage incurred by other persons resulting from any deposit of waste described in subsection 4(1) that is caused by or is otherwise attributable to the activity, undertaking or ship, as the case may be, referred to in subsection (1).

Costs and expenses of Her Majesty

(3) Where the Governor in Council directs any action to be taken by or on behalf of Her Majesty in right of Canada to repair or remedy any condition that results from a deposit of waste described in subsection (2), or to reduce or mitigate any damage to or destruction of life or property that results or may reasonably be expected to result from such a deposit of waste, the costs and expenses of and incidental to the taking of that action, to the extent that those costs and expenses can be established to have been reasonably incurred in the circumstances, are, subject to this section, recoverable by Her Majesty in right of Canada from the person or persons described in paragraph (1)(a), (b) or (c), with costs, in proceedings brought or taken therefore in the name of Her Majesty.

#### DISPOSITION OF FINES

Fines to be paid to Receiver General

29. All fines imposed pursuant to this Act belong to Her Majesty in right of Canada and shall be paid to the Receiver General.

#### **Social:**

AND WHEREAS Parliament at the same time recognizes and is determined to fulfil its obligation to see that the natural resources of the Canadian arctic are developed and exploited and the arctic waters adjacent to the mainland and islands of the Canadian arctic are navigated only in a manner that takes cognizance of Canada's responsibility for the welfare of the Inuit and other inhabitants of the Canadian arctic and the preservation of the peculiar ecological balance that now exists in the water, ice and land areas of the Canadian arctic;

#### **Information:**

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Publication of proposed orders

(2) A copy of each order that the Governor in Council proposes to make under subsection (1) shall be published in the Canada Gazette and no order may be made under that subsection, based on any such proposal, except after the expiration of sixty days following publication of the proposal in the Canada Gazette.

R.S., c. 2(1st Supp.), s. 11.

#### **Infrastructure:**



## PLANS AND SPECIFICATIONS OF WORKS

Plans and specifications to be provided

10. (1) Where any person proposes to construct, alter or extend any work described in subsection (2), the Governor in Council may require the person to provide the Governor in Council with a copy of such plans and specifications relating to the work as will enable the Governor in Council to determine whether the deposit of waste that will or is likely to occur if the construction, alteration or extension is carried out in accordance therewith would constitute a contravention of subsection 4(1).

Work to which plans and specifications to relate

(2) Subsection (1) applies in respect of any work on the mainland or islands of the Canadian arctic or in the arctic waters that, on completion thereof, will form all or part of an undertaking the operation of which will or is likely to result in the deposit of waste of any type in the arctic waters or in any place under any conditions where that waste or any other waste that results from the deposit of that waste may enter the arctic waters.

### **Physical Geography:**

“arctic waters” means the internal waters of Canada and the waters of the territorial sea of Canada and the exclusive economic zone of Canada, within the area enclosed by the 60th parallel of north latitude, the 141st meridian of west longitude and the outer limit of the exclusive economic zone; however, where the international boundary between Canada and Greenland is less than 200 nautical miles from the baselines of the territorial sea of Canada, the international boundary shall be substituted for that outer limit;

“waste” means

(a) any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water to an extent that is detrimental to their use by man or by any animal, fish or plant that is useful to man, and

(b) any water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water to the extent described in paragraph (a), and without limiting the generality of the foregoing, includes anything that, for the purposes of the Canada Water Act, is deemed to be waste.

### **Time:**

Enduring Legislation

## **A.2.21 Overview: National SAR Manual**

**Lead Department: Department of National Defence**

### **Joint:**

Current DND/CF Evaluation - covered in [http://www.crs-csex.forces.gc.ca/reports-rapports/2008/135P0785-eng.asp#\\_Toc188165396](http://www.crs-csex.forces.gc.ca/reports-rapports/2008/135P0785-eng.asp#_Toc188165396)

Joint CCG and DND Activity—The Department of National Defence and the Canadian Coast Guard support the National Search and Rescue Program through two areas of activity related to the aeronautical and maritime search and rescue (SAR) services:

- .1 SAR operations, aimed at detection, response and rescue; and
- .2 SAR prevention, aimed at reducing the number and severity of SAR incidents through education and the enforcement of relevant regulations

CAS Responsibilities—The Chief of Air Staff is responsible for:

- .1 strategic Department of National Defence (DND) search and rescue (SAR) policy and unit allocation;
- .2 liaison with the National Search and Rescue Secretariat;
- .3 the provision of a DND Interdepartmental Committee on Search and Rescue representative responsible for departmental SAR policy co-ordination; and
- .4 liaison with other SAR operating departments and agencies, nationally and internationally.

1.15 1 CAD Responsibilities—The 1 Canadian Air Division is responsible for:

- .1 operational command of all aeronautical search and rescue assets;
- .2 the establishment and manning of the rescue co-ordination centres and the SRSAT Canadian Mission Control Centre;
- .3 the provision of ground search parties in support of aeronautical and maritime incidents; and
- .4 the interface between the Civil Air Search and Rescue Association and the Department of National Defence at the operational level.

1.16 Commander MARLANT Responsibilities—The Commander Maritime Forces Atlantic, as Commander of the Halifax Search and Rescue Region (SRR), is accountable for the co-ordination, control and conduct of search and rescue operations in the Halifax SRR.

1.17 Commander 1 CAD Responsibilities—The Commander, 1 Canadian Air Division, as Commander of the Trenton Search and Rescue Region (SRR), is accountable for the coordination, control and conduct of search and rescue operations in the Trenton SRR.

1.18 Commander MARPAC Responsibilities—The Commander, Maritime Forces Pacific, as Commander of the Victoria Search and Rescue Region (SRR), is accountable for the coordination, control and conduct of search and rescue operations in the Victoria SRR.

1.19 DND SAR Activities - The search and rescue (SAR) activities of the Department of National Defence are:

- .1 the efficient operation of the aeronautical and maritime components of the co-ordinated SAR system;
- .2 the provision and operation of the rescue co-ordination centres and other SAR facilities in conjunction with the Canadian Coast Guard (CCG);
- .3 the co-ordination, control, and conduct of aeronautical SAR operations within the Canadian area of responsibility and between Canada and the United States in accordance with existing

agreements;

.4 the provision of SAR aircraft in response to SAR incidents within the Canadian area of responsibility;

.5 the setting of priorities pertaining to the allocation of search and rescue units (SRUs) to SAR operations;

.6 the provision of ground SAR and humanitarian assistance, as a complementary tasking;

.7 the formulation and promulgation of SAR policy (in collaboration with the Interdepartmental Committee on Search and Rescue);

.8 the establishment of operating standards and the provision of SAR training for the coordinated SAR system in collaboration (when appropriate) with CCG authorities;

.9 the evaluation of SAR equipment and procedures in collaboration (when appropriate) with CCG authorities;

.10 the review of SAR services, facilities and SRUs in collaboration (when appropriate) with CCG;

.11 co-ordination of the Civil Air Search and Rescue Association training and operational activity; and

.12 the efficient operation of the Canadian components of the SARSAT system

1.20 DND Basic SAR Tasks—The Department of National Defence has the following basic search and rescue (SAR) tasks:

.1 to co-ordinate, control and conduct SAR operations in relation to aeronautical SAR incidents within the Canadian area of responsibility;

.2 to provide search and rescue units (SRUs) in support of the prosecution of maritime SAR operations and to exercise ultimate authority in the allocation of all SRUs during a SAR incident;

.3 to conduct ground searches in relation to aeronautical and maritime SAR incidents; and

.4 to provide the resources to operate the Canadian components of the SARSAT system.

1.21 DND Complementary SAR Tasks—The Department of National Defence has the following complementary search and rescue (SAR) tasks:

.1 To provide search and rescue units when and where available, to assist in the prosecution of ground SAR and humanitarian incidents which occur within provincial or municipal areas of responsibility; and

.2 to support Transport Canada (Aviation) and the Canadian Coast Guard in SAR prevention through participation in related educational programs and by advising the appropriate agencies of areas of concern identified in SAR operations

### **Interagency:**

General—Within the federal system, the focus on search and rescue (SAR) as a distinct integrated activity is maintained through the Interdepartmental Committee on Search and Rescue and the National Search and Rescue Secretariat. Although numerous federal, provincial, municipal, commercial and volunteer groups contribute to the National Search and Rescue Program, this manual will focus on the federal responsibility for aeronautical and maritime SAR activity.

1.8 Lead Minister—To establish a single spokesperson for the government on overall search and rescue (SAR) matters, the Prime Minister, in December 1976, identified the Minister of National Defence as the Lead Minister for SAR (LM-SAR) and spokesperson for the government on SAR. This was reconfirmed in 1982 and again in 1986 by Cabinet.

1.9 ICSAR— The Interdepartmental Committee on Search and Rescue (ICSAR) is made up of

senior federal officials representing departments and central agencies involved in the National Search and Rescue Program. This Committee is the primary forum for the development of advice for the Lead Minister. ICSAR is responsible for identifying search and rescue (SAR) requirements and advising the government on how best to respond to these requirements. ICSAR exists to provide interdepartmental co-ordination and advice to the Ministers in the areas of SAR policy, planning, resources, and effectiveness.

The Interdepartmental Committee on Search and Rescue (ICSAR) is chaired by the Executive Director of the National Search and Rescue Secretariat and consists of members from the Department of National Defence; the Department of Fisheries and Oceans (Canadian Coast Guard); Transport Canada (Aviation); Environment Canada (Atmospheric Environmental Services); the Royal Canadian Mounted Police; and Heritage Canada (Parks Canada). Additional ICSAR representatives include the Department of Natural Resources; Department of Indian Affairs and Northern Development; Emergency Preparedness Canada; Treasury Board; and the Privy Council Office.

NSS—The National Search and Rescue Secretariat (NSS) is an independent body outside the line authorities of search and rescue (SAR) delivery departments and it plays a central managerial support role of the overall SAR objectives of departments. The role of the NSS is to enhance the provision of effective, efficient and economical SAR services in Canada by facilitating the development of the National Search and Rescue Program (NSP). This includes facilitating the co-operation, communication and co-ordination among NSP members in the development of policy, resource planning, research and development, analysis and review. The Executive Director of the NSS has been designated the Chair of the Interdepartmental Committee on Search and Rescue (ICSAR). He is responsible to the Lead Minister for SAR. Operational departments deliver SAR service and, via ICSAR and/or departmental lines of communication, advise the lead Minister in areas of SAR policy, planning, resources and effectiveness. This management process allows the Lead Minister to receive the advice of the departments and the independent advice of the NSS (if there is no consensus) with which to make program recommendations to Cabinet.

The SAR delivery departments thus retain full control of SAR operations and execute their components of the NSP

DFO Responsibilities—General—The responsibility for the provision of the maritime component of the federal search and rescue program rests with the Department of Fisheries and Oceans (DFO) and the Canadian Coast Guard. This responsibility is assigned to DFO through the Oceans Act (Annex 1B).

CCG Responsibilities—The Canadian Coast Guard has primary responsibility for the provision of the maritime component of the federal search and rescue program and for all matters relating to pleasure craft safety, including the regulation of the construction, inspection, equipment and operation of pleasure craft.

1.25 CCG SAR Activities—The search and rescue (SAR) activities of the Canadian Coast Guard (CCG) are:

.1 the provision of and participation in the maritime component of the rescue co-ordination centres (RCCs) as well as the provision, operation and equipping of the maritime rescue sub-centres (MRSCs) and other SAR facilities in co-operation with the Department of National Defence (DND);

- .2 in collaboration with DND, the co-ordination, control and conduct of maritime SAR operations within the Canadian area of responsibility;
  - .3 the provision of maritime advice and assistance to DND in the co-ordination of aeronautical SAR and other emergencies which may require the use of maritime units;
  - .4 the provision of maritime search and rescue units (SRUs) in response to SAR incidents within the Canadian area of responsibility, the activities of which SRUs are co-ordinated by RCCs and MRSCs;
  - .5 the provision of humanitarian assistance (as a secondary task) when such is deemed best provided by CCG SRUs;
  - .6 formulation and promulgation of SAR policy (in collaboration with the Interdepartmental Committee on Search and Rescue);
  - .7 establishment of levels of service, performance and operating standards;
  - .8 the provision of maritime SAR training for the co-ordinated SAR system in collaboration (when appropriate) with DND;
  - .9 the organization, co-ordination and administration of Canadian Coast Guard Auxiliary activities;
  - .10 the evaluation of SAR services, equipment and procedures, in collaboration with DND the review of SAR services and facilities and of SRUs, in collaboration with DND; and
  - .12 the provision of maritime emergency communications and alerting services.
- 1.26 CCG Basic SAR Tasks—The Canadian Coast Guard has the following basic search and rescue (SAR) tasks:
- .1 to detect maritime incidents and, in collaboration with the Department of National Defence, to co-ordinate, control and conduct SAR operations in maritime SAR incidents within the Canadian area of responsibility;
  - .2 to provide maritime units and communications in support of the prosecution of aeronautical SAR operations where applicable; and
  - .3 to co-ordinate, control and conduct SAR Loss-Of-Life prevention programs to reduce the number and severity of maritime SAR incidents.
- 1.27 CCG Complementary SAR Task—The complementary search and rescue task of the Canadian Coast Guard is to provide search and rescue units, when and where available, to assist in the prosecution of humanitarian incidents

Transport Canada (Aviation)—Transport Canada (Aviation) has primary responsibility for the provision of the aeronautical search and rescue (SAR) prevention program, under the authority of the Aeronautics Act. This responsibility is met through education programs, regulation and enforcement and is executed in close consultation with the Department of National Defence SAR authorities in an effort to optimize program priorities and effectiveness.

Co-ordination is effected through the Interdepartmental Committee on Search and Rescue.

1.29 Transport Canada (Aviation) SAR Tasks—Transport Canada (Aviation) has the following search and rescue (SAR) tasks:

- .1 to provide means and methods in respect to civil aircraft in distress in the Canadian area of responsibility to achieve efficiency in alerting the appropriate rescue co-ordination centre and in locating the distressed aircraft;
- .2 to provide specialized departmental resources and expertise as a functional part of the SAR Programme to co-ordinate, control and conduct a SAR prevention program designed to reduce

the number and severity of aeronautical SAR incidents.

#### OTHER FEDERAL GOVERNMENT DEPARTMENT RESOURCES

1.30 Aircraft and vessels of all departments of the federal government are considered secondary search and rescue units and will respond to calls for assistance whenever possible.

NB Link to Canada Shipping Act & Oceans Act - establishes link to TC & DFO

#### TERMS OF REFERENCE—CANADIAN SAR SYSTEM

##### CO-ORDINATION OF SAR

3.1 As summarized in Cabinet Directives, the Department of National Defense (DND) has overall responsibility for the efficient operation of the co-ordinated aeronautical and maritime search and rescue (SAR) system. The statutory authority for the co-ordination of maritime SAR response is assigned to the Minister of Fisheries and Oceans by the Oceans Act. Under this authority the military search and rescue region (SRR) commanders have been designated as rescue co-ordinators. Within the rescue co-ordination centres (RCCs), the co-ordination and control of aeronautical and maritime rescue operations are conducted by both DND and Coast Guard personnel respectively. RCC personnel function together as a team to ensure that response to distress incidents is co-ordinated effectively. Maritime rescue sub-centres (MRSCs) are established for the purpose of co-ordinating, conducting and controlling response to maritime SAR incidents within local areas of the SRR, maximizing the use of local knowledge and resources in providing an effective response. MRSCs keep parent RCCs fully informed of their activity and transfer control of an incident to the parent RCC in accordance with established criteria.

##### SEARCH AND RESCUE REGIONS

3.2 In accordance with International Maritime Organization (IMO) and International Civil Aviation Organization (ICAO) agreements to provide search and rescue (SAR) services in Canada and adjacent ocean areas, the country has been divided into three search and rescue regions (SRRs) for maritime and aeronautical SAR co-ordination. The international boundaries are in accordance with ICAO and IMO agreements (SRR boundaries are outlined in Annex 3A).

3.3 Rescue co-ordination centres at Victoria, Trenton and Halifax co-ordinate aeronautical and maritime SAR operations. Maritime rescue sub-centres (MRSCs) are established at Québec City (Québec), and St. John's (Newfoundland). MRSC areas of responsibility are outlined in Annex 3B

## **Multinational:**

Canada participates in a number of international organizations such as the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO), and has agreed to adopt search and rescue (SAR) standards and practices in accordance with the Convention on International Civil Aviation, the International Convention on Maritime Search and Rescue, and the International Convention for the Safety of Life at Sea (SOLAS). Standardization is also achieved by membership in international military organizations such as the

North Atlantic Treaty Organization (NATO) and the Air Standardization Co-ordinating Committee. Similarly, the Canadian Coast Guard seeks standardization of maritime SAR procedures through IMO forums such as the Maritime Safety Committee and the Radio communications and Search and Rescue Sub-Committee. Finally, agreements between Canadian and American SAR agencies enhance co-ordination and mutual support operations adjacent to the common border.

Canadian search and rescue (SAR) procedures should be compatible with those used by nations participating in the International Maritime Organization, the International Civil Aviation Organization, the North Atlantic Treaty Organization, the Air Standardization and Coordination Committee, and the System of Co-operation Among the American Air Forces (SICOFAA). This requires a high degree of liaison and the acceptance of mutual agreements, terminology and standards. It is essential, therefore, that close co-operation be maintained between Canadian SAR

authorities and those of other nations.

### **VISITS BETWEEN CANADA AND THE UNITED STATES**

2.2 To ensure smooth co-ordination in cross-border search and rescue (SAR) operations, periodic liaison visits are required between SAR personnel from Canada and the United States. Visits by personnel of Canadian search and rescue units (SRUs) to adjacent United States Coast Guard and United States Air Force installations may be made on the approval of the commander responsible for the particular SRU concerned. For Department of National Defence personnel, an

itinerary of the proposed trip shall be sent to the Canadian Defence Liaison Staff in Washington; a

visit clearance from Canadian Defence Liaison Staff in Washington is not required (Telephone conversation between the Staff Officer Search and Rescue 2, the Canadian Defence Liaison Staff in Washington and the Department of Movements, October 95). Canadian Coast Guard personnel shall travel in accordance with guidelines provided in the Treasury Board Security Policy. Details including reports of such visits shall be passed to the appropriate headquarters.

### **JOINT AREAS OF SAR RESPONSIBILITY—**

#### **CANADA/UNITED STATES**

2.3 The following paragraphs outline the working arrangements for search and rescue (SAR) operations in Canadian territory where Canadian and United States (US) search and rescue units (SRUs) are operating together.

2.4 When a SAR incident occurs in Canadian territory, involving a US aircraft other than military, US SAR forces may be permitted to provide SRUs they consider necessary, but the appropriate Canadian rescue co-ordination centre (RCC) will be responsible for the search. United States Air Force (USAF) or US Coast Guard SAR forces will inform the Canadian RCC of

action taken or proposed, but all decisions and activity shall be under the control of, and subject to, ratification by the Canadian RCC.

2.5 When an emergency incident occurs involving a US military aircraft in Canadian territory (for which search participation may become necessary), USAF forces may be permitted to take any action that is necessary, consulting with the appropriate Canadian RCC as soon as possible. Under such conditions, a USAF Searchmaster (SM) will be designated as well as a Canadian Assistant SM to act as liaison between US and local Canadian authorities. The US SM will report details to the appropriate Canadian RCC and the RCC will be kept informed of developments. However, the search and rescue region commander may assume control of any search that arises in his area. This power normally will only be exercised when Canadian Forces (CF) search aircraft are participating or when, in his opinion, the CF are better qualified to conduct the search.

When a USAF SRU gains knowledge of an incident involving a US military aircraft in Canadian territory, immediate notification will be given to the appropriate Canadian RCC giving:

- .1 full information on flight plan;
- .2 action taken or being taken;
- .3 safety and environment risk assessment; and
- .4 future plans.

2.6 Canadian and US SRUs will provide mutual assistance when such assistance is requested and is available. A listing of Canadian/US SAR agreements is provided at Annex 2. Copies of these agreements are held at NDHQ/Directorate of Air Force Employment

#### CUSTOMS AND IMMIGRATION BILATERAL AGREEMENT— SAR AIRCRAFT

2.7 Customs and Immigration authorities in Canada and the United States (US) have approved the following procedures to be employed between rescue co-ordination centres (RCCs) and Customs and Immigration officers in dealing with search and rescue (SAR) aircraft of either Canada or the US crossing the international boundary while engaged in SAR operations:

.1 when US aircraft are to be employed on a SAR operation in Canada, the RCC in charge of the search shall obtain from US authorities the number of aircraft participating and the identification markings of the aircraft. This information, along with the additional information of the territory to be searched and the possible duration of the stay of the US aircraft shall be relayed to the Collector of Customs and the appropriate immigration official for the area involved;

.2 when Canadian aircraft are to be employed on a SAR operation in the US, the particular Canadian RCC that is dispatching the aircraft shall pass all pertinent details to the US RCC in charge of the search, and in addition, shall inform the appropriate Canadian Collector of Customs and the immigration official of the intended operations giving the following details:

- .1 the territory to be searched;
  - .2 the possible duration of the stay of the aircraft;
  - .3 the identification markings of each aircraft; and
  - .4 the number of persons comprising the crew of each aircraft;
- .3 should an unscheduled landing be made by US aircraft while employed on a SAR mission in Canada, the RCC in charge of the operation shall notify the appropriate Collector of Customs and the immigration officials of:
- .1 the name of the airport at which the aircraft landed;



.2 the identification of the aircraft; and

.3 the duration of the stay if known;

NOTE: Should any merchandise, carried in the aircraft in question from one country to the other in the course of SAR operations, remain in the latter country on conclusion of an operation, it will be subject to customs treatment normally accorded to import merchandise.

.4 at Canadian locations where there is no immigration service available, the local customs official shall be notified and requested to inform the appropriate immigration official.

Canada is a signatory to, or member of, the following agreements or organizations:

INTERNATIONAL

- International Civil Aviation Organization (ICAO)
- North Atlantic Treaty Organization (NATO)
- Air Standardization Co-ordinating Committee (ASCC)
- International Maritime Organization (IMO)
- Convention on International Civil Aviation
- International Convention on Maritime Search and Rescue
- International Convention for the Safety of Life at Sea (SOLAS)

**Public:**

The master of a Canadian ship at sea, on receiving a signal from any source that a ship or aircraft or survival craft thereof is in distress, shall proceed with all speed to the assistance of the persons in distress informing them if possible that he is doing so, but if he is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to proceed to their assistance, he shall enter in the official log-book the reason for failing to proceed to the assistance of those persons.

**SHIPS REQUISITIONED**

(2) The master of any ship in distress may, after consultation, in so far as possible, with the masters of the ships that answer his distress signal, requisition one or more of those ships that he considers best able to render assistance, and it is the duty of the master of any Canadian ship that

is so requisitioned to comply with the requisition by continuing to proceed with all speed to the assistance of the ship in distress.

**RELEASE FROM OBLIGATION**

(3) The master of a ship shall be released from the obligation imposed by subsection (1) when he learns that one or more ships other than his own have been requisitioned and are complying with the requisition

449. (1) The law, statutory and other, including the provisions of this Part, relating to wrecks, to the salvage of life or property and to the duty or obligation to render assistance to ships or vessels

in distress applies to aircraft on or over the sea or tidal waters and on and over the Great Lakes, as it applies to ships or vessels.

(2) The owner of an aircraft is entitled to a reasonable reward for salvage services rendered by the aircraft to any property or persons in any case where the owner of the aircraft would be so entitled had it been a ship or vessel.

(3) The Governor in Council may make modifications of and exemptions from the provisions of the law, statutory and other, in its application to aircraft, to such extent and in such manner as appears necessary or expedient.

**Political:**

Canada participates in a number of international organizations such as the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO), and has agreed to adopt search and rescue (SAR) standards and practices in accordance with the Convention on International Civil Aviation, the International Convention on Maritime Search and Rescue, and the International Convention for the Safety of Life at Sea (SOLAS). Standardization is also achieved by membership in international military organizations such as the North Atlantic Treaty Organization (NATO) and the Air Standardization Co-ordinating Committee. Similarly, the Canadian Coast Guard seeks standardization of maritime SAR procedures through IMO forums such as the Maritime Safety Committee and the Radio communications and Search and Rescue Sub-Committee. Finally, agreements between Canadian and American SAR agencies enhance co-ordination and mutual support operations adjacent to the common border.

**NATIONAL SAR PROGRAM MANAGEMENT OVERVIEW**

1.7 General—Within the federal system, the focus on search and rescue (SAR) as a distinct integrated activity is maintained through the Interdepartmental Committee on Search and Rescue and the National Search and Rescue Secretariat. Although numerous federal, provincial, municipal, commercial and volunteer groups contribute to the National Search and Rescue Program, this manual will focus on the federal responsibility for aeronautical and maritime SAR activity.

1.8 Lead Minister—Minister for DND

### **Military:**

The Department of National Defence (DND) provides rescue co-ordination centres (RCCs) staffed by both DND and Canadian Coast Guard (CCG) personnel on a 24 hours a day, 7 days a week basis. In addition, CCG provides two maritime rescue sub-centres (MRSCs) manned by CCG personnel also on a 24 hours a day, 7 days a week basis. The RCCs and MRSCs will respond to all incidents until such time as the incident is resolved or until the incident can be passed to the appropriate authority.

[http://www.crs-csex.forces.gc.ca/reports-rapports/2008/135P0785-eng.asp#\\_Toc188165396](http://www.crs-csex.forces.gc.ca/reports-rapports/2008/135P0785-eng.asp#_Toc188165396)

### **Economic:**

Annual forecast spending for FY 2006/07 for the federal component of the NSP has been estimated

at \$219 million. The CF/DND share of this forecast is reported as approximately \$102 million or 46.6

percent of total Federal SAR forecasted expenditures.[4] The CCG, a special operating agency reporting to the Minister of Fisheries and Oceans, is a second significant participant in budgetary terms, forecasting \$104 million in expenditures or 47.5 percent of declared expenditures for the federal component of the NSP. The other four federal organizations with NSP responsibilities are Parks Canada, Environment Canada (Meteorological Services Canada), the Royal Canadian Mounted Police and Transport Canada.

The seventh key participant in the federal component of the NSP is the NSS, which was established in 1986 to provide leadership to the NSP through the ICSAR. ICSAR, chaired by the Executive Director National Search and Rescue Secretariat (Ex Dir NSS), comprises representatives from the six federal-level SAR organizations. The NSS is a small organization of approximately 20 staff with a budget that fluctuates between \$9 and \$11 million per year, led by an executive director reporting to the LMSAR.

The Minister of National Defence (MND) is designated as the Lead Minister for Search and Rescue (LMSAR) by Cabinet direction.

[http://www.crs-csex.forces.gc.ca/reports-rapports/2008/135P0785-eng.asp#\\_Toc188165396](http://www.crs-csex.forces.gc.ca/reports-rapports/2008/135P0785-eng.asp#_Toc188165396)

### **Social:**

TERMS OF REFERENCE FOR SAR PERSONNEL & ORGANISATIONS:

3.4 Directorate Air Requirements—The Directorate Air Requirements staff is responsible to the Chief of the Air Staff for the:

.1 co-ordination of equipment procurement and other requirements of the Department of

National Defence (DND) search and rescue (SAR) system;

- .2 co-ordination of all DND inputs to the New SAR Initiatives Fund (NIF); and
- .3 monitoring of research and development for potential improvements in DND SAR equipment.

3.5 D Air FE 3—The Directorate of Air Force Employment 3 staff is responsible to the Chief of the Air Staff for the:

- .1 development and promulgation of Department of National Defence (DND) search and rescue (SAR) policy in accordance with ministerial direction;
- .2 processing of ministerial or other inquiries regarding DND aspects of the Canadian SAR program;
- .3 liaison with the Canadian Coast Guard, the National Search and Rescue Secretariat and other agencies involved in the National SAR Program;
- .4 provision of information to other National Defence Headquarters staffs on matters concerning SAR;
- .5 provision of staff support to the DND Interdepartmental Committee on Search and Rescue representative;
- .6 co-ordination of DND participation in the COSPAS–SARSAT program;
- .7 provision of Canadian representation for SAR policy matters at SICOFAA and the International Civil Aviation Organization; and
- .8 monitoring of major SAR operations and submitting the recommendations for their reduction.

3.6 A3 TSR—The A3 Transport and SAR Readiness staff is responsible to the Commander, 1 Canadian Air Division, for the:

- .1 preparation and publishing of the Department of National Defence (DND) search and rescue (SAR) operational procedures in accordance with current policy;
- .2 administration, standardization and determination of readiness levels of DND SAR formations;
- .3 ensuring of operational readiness and the performing of regular evaluation of DND SAR formations;
- .4 Civil Air Search and Rescue Association (CASARA) liaison and co-ordination of CASARA activities;
- .5 provision of staff support to the Trenton Search and Rescue Region Commander;
- .6 provision of operational support to the rescue co-ordination centres;
- .7 processing of ministerial or other inquiries related to operational SAR matters;
- .8 liaison with the North Atlantic Treaty Organization and the Air Standardization Coordinating Committee; and
- .9 Office of Primary Interest duties regarding the Major Aeronautical Disaster Operation Plan.

#### TERMS OF REFERENCE—COAST GUARD SAR STAFF

3.7 Director SAR—The Director, Search and Rescue (SAR), through the Director General, Rescue, Safety and Environmental Response, is designated, on behalf of the Commissioner, as the senior officer responsible for the exercise of functional authority and direction in relation to maritime SAR program activities in the Canadian Coast Guard (CCG). The authority and direction noted includes the following:

- .1 CCG SAR policy, levels of service, resource allocation, operating and performance standards;
- .2 the provision of support to the Interdepartmental Committee on Search and Rescue concerning maritime SAR policy, standards, procedures, planning, resources and program effectiveness;

- .3 the interface with and co-ordination of the Canadian Coast Guard Auxiliary—commonly called the Auxiliary—and management of all aspects of the partnership; and
- .4 the liaison with the National Search and Rescue Secretariat.

The Director SAR is the national spokesperson for the maritime SAR Program.

3.8 CCG HQ—The Canadian Coast Guard (CCG) Headquarters search and rescue (SAR) staff shall be responsible to the Director SAR for the:

- .1 development, approval by appropriate authority, and promulgation of CCG SAR policy, levels of service and performance and operating standards;
- .2 processing of ministerial or other inquiries regarding CCG aspects of the National Search and Rescue Program (NSP);
- .3 co-ordination of equipment procurement and other requirements of the maritime SAR system;
- .4 provision of information to other CCG HQ staff on matters concerning maritime SAR;
- .5 office of primary interest duties regarding primary maritime SAR craft types, under the Limited Fleet Type Structure;
- .6 provision of staff assistance to the Interdepartmental Committee on Search and Rescue on maritime SAR interests;
- .7 liaison with the Department of National Defence and other agencies involved in the NSP;
- .8 conducting and monitoring of research and development for potential improvements in CCG SAR equipment and procedures;
- .9 maintenance of international maritime SAR liaison through the International Maritime Organization and other international bodies;
- .10 ensure the development and maintenance of training criteria and plans for personnel involved in maritime SAR;
- .11 liaison with and administration of the Canadian Coast Guard Auxiliary and its activities;
- .12 co-ordination of all CCG inputs to the New SAR Initiatives Fund; and
- .13 provision of technical and maritime expertise.

3.9 Director OBS—The Director, Office of Boating Safety (OBS), through the Director General, Rescue, Safety and Environmental Response, is designated on behalf of the Commissioner as the senior officer responsible for the exercise of functional authority and direction in relation to recreational boating safety and search and rescue (SAR) Loss-Of-Life prevention activities. The authority and direction noted includes the following:

- .1 OBS policy and resource allocation;
- .2 regulatory authority for all recreational boating safety on all Canadian waters and safety equipment specific to recreational boats, notably personal flotation devices; and
- .3 SAR Loss-Of-Life
  - .1 courtesy examinations,
  - .2 demonstrations and lectures, and
  - .3 awareness campaigns.

3.10 Director MCTS—The Director, Marine Communications and Traffic Services, is responsible to the Commissioner, Canadian Coast Guard for the provision of adequate telecommunications and electronic facilities to support the detection of search and rescue incidents and co-ordination of distress communications in the Canadian area of responsibility.

3.11 RDs CCG—The Regional Directors (RDs), Canadian Coast Guard (CCG), are designated, on behalf of the Commissioner, as the senior officers responsible to effect, on a regional basis, in

collaboration with the search and rescue region commander, implementation of those CCG policies, standards and objectives designed to provide an effective search and rescue (SAR) service to the maritime community. RDs CCG are functionally responsible to the Commissioner and line responsible to the regional directors general, Department of Fisheries and Oceans to ensure, on a daily basis, the adequate provision and disposition of resources within their respective regions in support of SAR operations.

3.12 Superintendent RSER—The Superintendent, Rescue, Safety and Environmental Response (RSER), shall be responsible for planning, organizing, and directing the activities of the Canadian Coast Guard (CCG) Maritime Search and Rescue (SAR) Program, and managing and co-ordinating the activities of the Canadian Coast Guard Auxiliary for the assigned geographical area of responsibility. The Superintendent RSER shall be responsible to the:

.1 SRR commander through the Regional Director (RD) CCG for:

.1 providing expert maritime advice in matters of CCG policy and procedures concerning maritime SAR,

.2 ensuring that qualified maritime SAR controllers are selected and appointed in collaboration with the Regional Supervisor, Maritime SAR (RSMS), and the Officer in Charge (OIC) of the appropriate rescue co-ordination centre (RCC),

.3 selecting and appointing a qualified RSMS,

.4 ensuring provision of the RCC/maritime rescue sub-centre (MRSC) equipment for which CCG is responsible,

.5 ensuring adequate deployment of CCG search and rescue units against current levels of SAR activity and trends.

.2 RD CCG for:

.1 implementing CCG SAR policy and ensuring that CCG SAR procedures are followed,

.2 developing regional plans to ensure that CCG SAR levels of service, performance and operating standards are met,

.3 planning and conducting the SAR program,

.4 planning and monitoring, in conjunction with Operations, the CG maritime SAR coverage,

.5 maintaining liaison with the appropriate branches of CCG to ensure the best possible level of support to the SAR program,

.6 evaluating effectiveness of SAR programs through training exercises, and determining the resource requirements,

.7 developing and maintaining public information and relations programs,

.8 establishing and maintaining liaison with relevant departments of federal and provincial governments and other groups, public or private, involved in maritime SAR and safety,

.9 ensuring that operationally ready maritime SRUs are available for tasking by the RCC/MRSC,

.10 developing and maintaining liaison at an operational level with neighbouring foreign maritime SAR related agencies engaged in maritime SAR co-ordination, and

.11 delivering the Regional component of the CCG SAR Loss-Of-Life Prevention Program.

3.13 SRR Commander—Rescue Co-ordinator—The Search and Rescue Region (SRR) Commander shall be responsible to the Chief of the Defense Staff for:

.1 initiating and co-ordinating search and rescue (SAR) operations, and authorizing the reduction of minor SAR operations (those operations not classed as major SAR operations under Chapter 5);

- .2 recommending the reduction of major SAR operations;
- .3 carrying out the duties of rescue co-ordinator pursuant to section 385 (2) of the Canada Shipping Act;
- .4 formally appointing searchmasters as required;
- .5 approving the use of search and rescue units for humanitarian incidents; and
- .6 establishing channels of communication to allow the expeditious flow of information between the SRR Commander and the Officer in Charge of the rescue co-ordination centre.

3.14 Senior Military Officer—The Senior Military Officer is a senior military officer assigned specific duties and responsibilities by the Search and Rescue Region Commander in respect to the co-ordinated search and rescue system.

#### TERMS OF REFERENCE—RESCUE CO-ORDINATION CENTRE

3.15 General—A rescue co-ordination centre (RCC) is an agency established within each search and rescue region for the purpose of co-ordinating, controlling, and conducting aeronautical and maritime search and rescue (SAR) operations. In addition, RCCs will coordinate search and rescue units response for humanitarian incidents in accordance with national policy and regional directives. For this it requires:

- .1 trained staff, capable of controlling, co-ordinating and conducting operations;
- .2 a detailed plan formulating the basis of SAR operations as outlined in Annex 3C;
- .3 specific plans to meet the SAR demands of the region;

Note: Any exceptions to the controller qualification requirements stated in this chapter must be approved by 1CAD/A3 SAR and the appropriate SRR Commander. The Manager SAR/CCG must be consulted for exceptions to Maritime Controllers qualifications.

- .4 communications equipment which will ensure a timely alerting procedure and provide an efficient network for monitoring and working SAR traffic; and
- .5 facilities and equipment for the efficient co-ordination and control of operations.

3.16 OIC RCC—The Officer in Charge (OIC) of a rescue co-ordination centre (RCC) shall be a qualified aeronautical search and rescue (SAR) pilot or navigator. Qualifications shall include the successful completion of the Searchmaster course and applicable unit on-job-training.

Qualifications should also include the successful completion of the RCC/Maritime Rescue Sub-Centre (MRSC) Controller course. The OIC RCC is responsible to the:

- .1 Search and Rescue Region (SRR) Commander for:
  - .1 the co-ordination, control and conduct of SAR operations within the RCC's area of responsibility,
  - .2 ensuring the effective operation of the co-ordinated SAR system,
  - .3 the operational status of RCC communications and other equipment and ensuring that appropriate authorities are notified of any deficiencies,
  - .4 advising on the adequacy and deployment of search and rescue units (SRUs) to meet operational requirements,
  - .5 recommending search reduction,
  - .6 certifying senior controllers in collaboration with the RCC Regional Supervisor, Maritime Search and Rescue (RSMS) and collaborating with RSMS (RCC/MRSC) on the certification of maritime controllers,
  - .7 liaison with the RSMS on the day-to-day operation and deployment of SRUs and on

- the participation and performance of the staff in the operation of the RCC/MRSC,
- .8 liaison with the Superintendent, Rescue, Safety and Environmental Response or his delegate on the operations interface between RCCs and MRSCs, and on the deployment of Canadian Coast Guard (CCG) SRUs,
- .9 establishing and maintaining liaison with relevant departments of federal and provincial governments and other groups, public or private, concerning SAR matters,
- .10 co-ordination of SAR training exercises which involve more than one agency (when appropriate),
- .11 co-ordinating the RCC input to SAR educational programs, displays and visits within the SRR,
- .12 approving all public information releases on aeronautical SAR services and all RCC/MRSC co-ordinated SAR incidents (see Chapter 4, Press Releases),
- .13 providing staff assistance in SAR matters,
- .14 the collection of SAR incident statistical information.

NOTE: When deemed necessary, the OIC RCC may assume control of any incident.

- .2 Commander 1 Canadian Air Division, through the A3 Transport and SAR Readiness for:
  - .1 supervising Department of National Defence (DND) RCC personnel and ensuring they are adequately trained to standard and kept informed of current policy and procedures,
  - .2 all DND administrative matters pertaining to the RCC,

NOTE: Administrative procedures which affect or concern both DND and CCG should be published under the joint authority of the OIC RCC and the RSMS.

- .3 preparation of reports, returns and records,
- .4 reporting the status of DND SRUs and SAR operations.

3.17 Deputy OIC RCC—The deputy Officer in Charge (OIC) of a rescue co-ordination centre (RCC) shall be a qualified search and rescue Air Operations officer. The duties of the Deputy OIC RCC shall include:

- .1 act as OIC RCC in his/her absence; and
- .2 fulfilment of duties as duty aeronautical controller, when so employed.

3.18 RSMS RCC (for RSMS MRSC, see 3.24)—The Regional Supervisor, Maritime Search and Rescue (RSMS), is the senior Canadian Coast Guard (CCG) officer assigned to a rescue coordination centre (RCC) to ensure the continuing effectiveness of the maritime search and rescue (SAR) system within the SRR except for those areas assigned to maritime rescue sub-centres (MRSCs) (see 3.23). The RSMS RCC shall be responsible to the:

- .1 Search And Rescue Region (SRR) Commander through the Officer in Charge (OIC) of the RCC, for the following:

- .1 the co-ordination, control and conduct of maritime SAR operations within the RSMS RCC's area of responsibility,
- .2 ensuring the effectiveness of SAR co-ordination and control duties performed by the CCG component of the RCC,
- .3 providing expert advice on maritime SAR operations and their co-ordination for appropriate areas of the SRR,
- .4 providing the maritime expertise necessary to evaluate the adequacy and deployment of search and rescue units (SRUs) to meet maritime SAR requirements,
- .5 the operational status of CCG communications and other equipment within the RCC and ensuring that appropriate CCG authorities are notified of any deficiencies or breakdowns of CCG equipment and communications networks,



- .6 making recommendations to the OIC RCC on the selection and appointment of Senior Controllers,
- .7 liaison with the OIC RCC on the day-to-day operation and deployment of SRUs and on the participation and performance of staff in the operations of the RCC,
- .8 ensuring that all relevant information pertaining to CCG SAR co-ordination and control activities in the RCC are duly recorded in the official log books and files designated,
- .9 in collaboration with the OIC RCC, ensuring that all relevant SAR statistical data are recorded,
- .10 prepare, in concert with the OIC RCC, the recommendation for search reduction of maritime SAR operations.

.2 Superintendent, Rescue, Safety and Environmental Response, for the following:

- .1 supervising RCC CCG personnel and ensuring they are adequately trained to standard and kept informed of current policy and procedures,
- .2 monitoring the operations of maritime search and rescue units (SRUs) and prosecution of maritime SAR incidents within all areas of the SRR except those specifically assigned to the MRSC, making recommendations designed to achieve improved effectiveness and efficiency,
- .3 making recommendations on the optimum deployment of maritime SRUs for SAR purposes, taking into account the cyclical nature of certain maritime activities,
- .4 the efficient management, administration, supervision, training and effective performance of the CCG component of the RCC,
- .5 all CCG administrative matters pertaining to the RCC including the collection of maritime SAR incident statistical information and program management information,
- .6 co-ordinating the RCC maritime SAR input into SAR education programs, displays and visits within the CCG Region, and
- .7 reporting on the general effectiveness of CCG participation in RCC activities and on purely CCG matters.

3.19 Senior Controller, RCC—The Senior Controller of a rescue co-ordination centre (RCC) is an experienced and qualified controller appointed by the Officer in Charge (OIC) of the RCC. Qualifications will include successful completion of RCC/Maritime Rescue Sub-Centre (MRSC) Controller course, Searchmaster course, Fundamental Maritime Search and Rescue (SAR) course (or applicable United States Coast Guard Maritime SAR course), and any unit upgrade on-job-training programmes which are applicable. Senior Controllers shall be responsible to the OIC RCC/Regional Supervisor, Maritime Search and Rescue, (RSMS) for all incidents for the following;

- .1 assigning of priorities pertaining to the allocation of search and rescue units in response to search and rescue (SAR) incidents;
- .2 when deemed necessary, transferring or assuming control of a particular SAR incident;
- .3 ensuring that the MRSC is kept informed of the progress of incidents initially controlled by an MRSC;

NOTE: Administrative procedures which affect or concern both Department of National Defence (DND) and CCG should be published under the joint authority of the OIC RCC and the RSMS.

NOTE: Assuming or transferring control of an incident is to be considered a

formal action and is to be completed in conjunction with formal communications procedures (see Chapter 9; Reports on Searches).

.4 advising the OIC and/or RSMS of significant incidents in accordance with local procedure;

.5 approving requests from MRSC to charter civilian resources if the accounting base of the RCC will be held responsible for payment; and

.6 monitoring incidents handled by the MRSCs and advising the OIC of significant developments.

### **Infrastructure:**

3.3 Rescue co-ordination centres at Victoria, Trenton and Halifax co-ordinate aeronautical and maritime SAR operations. Maritime rescue sub-centres (MRSCs) are established at Québec City (Québec), and St. John's (Newfoundland). MRSC areas of responsibility are outlined in Annex 3B

### **Physical Geography:**

#### TERMS OF REFERENCE—CANADIAN SAR SYSTEM

#### CO-ORDINATION OF SAR

3.1 As summarized in Cabinet Directives, the Department of National Defense (DND) has overall responsibility for the efficient operation of the co-ordinated aeronautical and maritime search and rescue (SAR) system. The statutory authority for the co-ordination of maritime SAR response is assigned to the Minister of Fisheries and Oceans by the Oceans Act. Under this authority the military search and rescue region (SRR) commanders have been designated as rescue co-ordinators. Within the rescue co-ordination centres (RCCs), the co-ordination and control of aeronautical and maritime rescue operations are conducted by both DND and Coast Guard personnel respectively. RCC personnel function together as a team to ensure that response to distress incidents is co-ordinated effectively. Maritime rescue sub-centres (MRSCs) are established for the purpose of co-ordinating, conducting and controlling response to maritime SAR incidents within local areas of the SRR, maximizing the use of local knowledge and resources in providing an effective response. MRSCs keep parent RCCs fully informed of their activity and transfer control of an incident to the parent RCC in accordance with established criteria.

#### SEARCH AND RESCUE REGIONS

3.2 In accordance with International Maritime Organization (IMO) and International Civil Aviation Organization (ICAO) agreements to provide search and rescue (SAR) services in Canada and adjacent ocean areas, the country has been divided into three search and rescue regions (SRRs) for maritime and aeronautical SAR co-ordination. The international boundaries are in accordance with ICAO and IMO agreements (SRR boundaries are outlined in Annex 3A).

### **Time:**

Enduring in legislation and international agreement

## **A.2.22 Overview: Indian Act**

**Lead Department:** Indian and Northern Affairs Canada

### **Joint:**

No impact on joint ops.

### **Interagency:**

Requires engagement of local and provincial authorities on any action that may require actions on or in proximity to Inuit reserves. Outside of this, there is no specification of involvement of other departments or agencies.

### **Multinational:**

While there are Inuit population in Greenland, there is no governance or mention within the Act of relations with First Nations outside of Canada.

### **Public:**

Engagement with Band Council is paramount in any issues related to affairs involving Inuit reserves.

**Political:**

Indian and Northern Affairs Canada (INAC) is responsible for the Act.

The Act has a tumultuous history of being a segregatory document, and initially precluded Status Indians from voting (until 1960).

**Military:**

Nil

**Economic:**

Reserves are not subject to taxation.

**Social:**

The Act still remains controversial for some in the First Nations community, who see its powers (i.e. S. 88) as being invasive of their rights. As noted in "Canada's Northern Strategy", this is current best-practice: "At the Arctic Council, for example, Canada works closely with the six international indigenous peoples groups that have Permanent Participant status – three of which have strong roots in Canada: the Arctic Athabaskan Council, the Gwich'in Council International, and the Inuit Circumpolar Council."

**Information:**

Nil

**Infrastructure:**

Nil

**Physical Geography:**

Nil

**Time:**

Nil

## **A.2.23 Overview: Canada's Northern Strategy**

**Lead Department:** Indian and Northern Affairs Canada

### **Joint:**

The vision laid out in the Arctic Strategy encourages all aspects of territorial sovereignty, and as such discusses "putting more boots on the Arctic tundra, more ships in the icy water and a better eye-in-the-sky".

### **Interagency:**

There is concerted discussion of a strategy that involves several departments. Sovereignty (DND and DFAIT); social and economic development (INAC and Canadian Northern Economic Development Agency); Environmental Heritage (Environment Canada) and Northern governance

### **Multinational:**

Several instances of multinational cooperation are cited in the document, including scientific exploration, environment and regional development. It states: "We [the Government of Canada] continue to work closely with our Arctic partners to achieve our common goals for the region as we advance our priorities at home."

### **Public:**

Several treaties exist governing Northern lands, and governance strategies are still emerging. The Northern Strategy includes discussion on the heritage of Northern peoples as a pillar. Governance in the Arctic will continue to be vital in undertaking exercises and operations:

"In April 2003, Yukon became the first territory to take over these responsibilities, putting decision-making over its resources squarely in the hands of Yukon citizens. We are making progress toward a similar devolution agreement-in-principle in the Northwest Territories. In Nunavut, we have been working closely with the territorial government and Nunavut Tunngavik Incorporated to study the issues relating to devolution and have developed a protocol for future negotiations."

### **Political:**

Focuses the "Whole of Government" political position on the Arctic. In particular, the four pillars demonstrate a priority on defence, environmental, economic and social development.

### **Military:**

The military component is given as the first in four pillars. Roles outlined through the Northern Strategy include:

- "...capability and capacity to protect and patrol the land, sea and air";
- establishing a training centre along the Northwest Passage (Resolute Bay);
- continue "expanding and modernizing the Canadian rangers - a Reserve Force responsible for providing military presence and surveillance and for assisting with search and rescue in remote, isolated and coastal communities of Northern Canada."
- procuring a new polar icebreaker;
- use RADARSAT II to provide the Canadian Forces with greater capacity to monitor Canada and

its Maritime Boundary;  
- pollution prevention enforcement (support);

### **Economic:**

As a pillar of the Northern Strategy, economic development is explicitly cited as a government priority:

"New investments are being made to establish key institutions of economic development and improve the regulatory environment under which development can occur. In order to strengthen support for economic activity, a new economic development agency for the North is being established. A core activity for this agency will be delivering the renewed Strategic Investments in Northern Economic Development program."

### **Social:**

At the Arctic Council, Canada works closely with the six international indigenous peoples groups that have Permanent Participant status – three of which have strong roots in Canada: the Arctic Athabaskan Council, the Gwich'in Council International, and the Inuit Circumpolar Council.

### **Information:**

Surveillance is cited through the Northern Strategy (see "Military"), both with respect to sovereignty and pollution prevention and enforcement.

### **Infrastructure:**

Military procurements of an icebreaker, the development of a training centre in Resolute Bay and the development of a deep-water berthing and fuelling facility in Nanisivik all indicate infrastructure impacts from this document that have relevance to DND/CF.

### **Physical Geography:**

The Northern Strategy encompasses all Arctic terrain (roughly speaking, everything north of the treeline).

### **Time:**

The document was released in 2009, and is a strategy document designed to be sustained until otherwise replaced.

## **A.2.24 Overview: Capstone - CFJP 01 - Canadian Military Doctrine**

**Lead Department: Department of National Defence**

### **Joint:**

0108: "Joint doctrine provides the fundamental principles that guide the employment of forces from two or more environments in coordinated action toward a common objective. Joint doctrine describes the best way to integrate and employ maritime, land, and aerospace forces in unified action towards a single operational objective. The CF is constituted under royal charter as a single entity. When elements of two or more environments of the CF are required to operate in the same theatre or area of operations in pursuit of the same strategic objective, they may operate under a joint command structure.

The Canadian Forces are the armed forces of Her Majesty raised by Canada and consist of one service called the Canadian Armed Forces (NDA, Part II, 14). The maritime, land, and air elements of the CF are formally referred to as "environments."

CJFP as joint doctrine: "To accomplish this, the CF has developed joint doctrine to serve as guidance for the organization and the employment of joint forces."

0530. Force employment commanders are accountable to the CDS for planning and executing CF operations. Force employment is the primary function of Canada COM, CEFCON, Canadian Special Operations Forces Command (CANSOFCOM), and North American Aerospace Defense Command (NORAD).

0531. Commander Canada COM is the operational commander responsible conducting routine operations, contingency operations, and rapid response contingency operations within the Canada COM AOR. The Canada COM AOR includes continental North America (Canada, continental US [48 contiguous states and Alaska], and Mexico) and the maritime and air approaches to North America, including the Arctic Ocean. On a case by case basis (as coordinated with Commander CEFCON and with CDS concurrence), Comd Canada COM may also command certain operations situated in the Caribbean region and Latin America. Comd Canada COM commands all domestic operations on behalf of the CDS and exercises all the requisite authorities in respect to CF domestic operations.

Operations within the territorial boundaries of the continental US or Mexico are conducted in accordance with Government of Canada direction, international law, pursuant to bi-national or bilateral agreements, and in cooperation with US and/or Mexican military authorities.

0532. Comd Canada COM exercises command and control of Headquarters Canada COM and all regional joint task force headquarters. These headquarters include: Joint Task Force (North), Joint Task Force (Pacific), Joint Task Force (West), Joint Task Force (Central), Joint Task Force (East), and Joint Task Force (Atlantic).

0533. Commander CEFCOM is the operational commander responsible for all international operations with the exception of operations conducted solely by special operations forces (SOF) elements. CEFCOM conducts global operations, across the spectrum from humanitarian assistance and security to combat operations, in concert with national and international partners to achieve timely and decisive effects in support of Canada's national interests. CEFCOM is predominantly a supported command. The environmental commands, Canadian Operational Support Command (CANOSCOM) and CANSOFCOM generate troops to be allocated to CEFCOM for the conduct of international operations. The CDS specifies the national command and control relationships between allocated forces and Comd CEFCOM. Additionally, CEFCOM informs coalition partners on the command and control relationships between CF deployed forces and any coalition formation within which they are directed to operate.

0534. Comd CEFCOM is also responsible for setting the standards for joint training and ensuring that final certification of assigned forces is accomplished. This ensures that all units and personnel assigned to conduct expeditionary duties are fully trained and ready to go. The mission of CEFCOM Headquarters is to enable effective command and set the conditions for operational success by proactively scanning the global security environment; planning for evolving contingencies; engaging strategic partners; and shaping, synchronizing, and sustaining operational capabilities to achieve timely and decisive strategic effects.

0535. Commander CANSOFCOM is the operational commander for all special operations. CANSOFCOM is the principal source of expertise on the development, generation and employment of SOF and is responsible for and capable of responding to terrorism and threats to Canadians and Canadian interests around the world. CANSOFCOM is composed of Joint Task Force Two (JTF 2), the Canadian Forces Joint Incident Response Unit, the Canadian Special Operations Regiment, and 427 Special Operations Aviation Squadron. CANSOFCOM is unique in that the command also balances operational support and force generation for SOF.

0536. Commander NORAD is the operational commander responsible to the Government of Canada, through the CDS, and to the Government of the United States, through the Chairman of the Joint Chiefs of Staff (CJCS), for the execution of missions assigned to NORAD. In accordance with the NORAD Agreement, these missions include: aerospace warning, aerospace control, and maritime warning.

0537. Comd NORAD exercises command and control of HQ NORAD and all NORAD regions. The NORAD regions include: United States Continental NORAD Region, Alaska NORAD Region, and Canadian NORAD Region.

#### Operational support

0538. Operational support is the action of a force, or portion thereof, which directly aids, protects, complements, or sustains the operations of another force. Operational support is provided by a supporting command either within a theatre of operations or along strategic lines of communication. Operational support is the primary function of CANOSCOM and Chief



Defence Intelligence (CDI).

0539. Commander CANOSCOM is the operational commander for all operational support and is responsible for its execution for all CF operations. The primary task of CANOSCOM is to generate mission-tailored organizations to provide operational support. CANOSCOM is responsible for planning, executing, and delivering national operational support for theatre activation, sustainment, and termination of a CF operation. To accomplish this mission, CANOSCOM has a full range of combat support and combat service support functions including aspects of communications and information systems, health services, land equipment maintenance, logistics, military engineering, military police, personnel support, and resource management. Comd CANOSCOM commands the Canadian Forces Joint Support Group, the Canadian Forces Joint Signal Regiment, and the Canadian Materiel Support Group.

0540. The Chief of Defence Intelligence is the principal source of expertise on defence intelligence. CDI is the functional authority for intelligence within the CF and, having the power and jurisdiction of an officer commanding a command, is responsible for the provision of intelligence advice and the generation of intelligence personnel, equipment, and connectivity for missions spanning the continuum of operations anywhere in the world.

0543. Commander MARCOM is the principal source of expertise on the development, generation, and employment of sea power. The role of MARCOM is to provide combat capable general-purpose maritime forces to meet Canada's defence policy objectives. Comd MARCOM is responsible to the CDS for the effective and efficient operation of MARCOM and exercises command over formations and units allocated to MARCOM.

0544. Commander LFC is the principal source of expertise on the development, generation, and employment of land forces. The role of LFC is to provide combat-capable land forces to meet Canada's defence commitments. Comd LFC is responsible to the CDS for the effective and efficient operation of LFC and exercises command over formations and units allocated to LFC.

0545. Commander AIRCOM is the principal source of expertise on the deployment, generation, and employment of air power. The role of AIRCOM is to provide aerospace forces required for the conduct of air, surface, and sub-surface operations as well as provide an air search and rescue capability. Comd AIRCOM is responsible to the CDS for the effective and efficient operation of AIRCOM and exercises command over formations and units allocated to AIRCOM.

0546. Commander MILPERSCOM is assigned functional authority by the CDS and is the principal source of expertise for: all aspects of military personnel management, including recruitment; the development of military personnel; as well as health, dental, and spiritual services. As the manager of the centralized and single Canadian Forces Personnel Management System, Comd MILPERSCOM is one of the CF's primary integrators and is responsible for optimizing the production of personnel for operations, regardless of operational command, environment, component, military occupation, career field, or branch. As such, Comd MILPERSCOM sets standards for military personnel management and personnel generation; issues functional

direction, advice and guidance; and creates a management framework whereby the CDS and DM can hold senior commanders as well as military and civilian advisors across the organization accountable for compliance. Comd MILPERSCOM exercises command over all formations, units, and other elements allocated to MILPERSCOM.

#### Interoperability

0617. Interoperability is fundamental to the conduct of joint and combined operations. It resolves differences and removes obstacles to the effective functioning of forces in a multinational and/or multiservice environment. These obstacles are commonly caused by misunderstandings over: mission objectives and priorities, different rules of engagement or national caveats, different types of equipment, or similar equipment with different specifications. Other obstacles to interoperability concern differences in: doctrine, level and quality of training, and military culture.

0618. There are four key elements to interoperability: technical, training, doctrinal, and procedural. Technical interoperability is the ability of systems to provide information and services to, and accept information and services from, other systems, and to use the information and services so exchanged. Doctrinal interoperability is the ability of joint and combined forces to work together on military operations toward the achievement of common objectives. Both are enabled through the formulation of procedures and appropriate training. When forces are interoperable, the technology, the training, the doctrine, and the procedures they use are coordinated to allow them to function together effectively. It is CF policy that all doctrine be consistent to the maximum extent possible with the doctrine of principal allies. The objective is to manage interoperability relationships to permit seamless operational integration at short notice.

0619. Given the nature of the CF and its international commitments, all doctrine should be consistent, to the maximum extent possible, with the doctrine of its principal allies. Strong military-to-military relationships between the CF and its principal allies will ensure effective operational integration in areas such as doctrine and information networks.<sup>36</sup> A key CF objective is to be fully interoperable with the United States (US) and to have compatible doctrine with other key allies.

0620. In modern operations, interoperability may also be necessary with other government and nongovernment organizations when operating in a comprehensive approach environment. This consideration would be included as part of the planning philosophy to CF operations.

#### **Interagency:**

The instruments of national power should not be used in isolation. Their application must be coordinated and appropriate to achieve desired end states. Within the context of national strategy, a nation employs those aspects of national power necessary to achieve the objectives of national policy. In order to be successful, there must be a coordinated and coherent approach to the development of national strategy and the application of the instruments of national power. This approach involves coordination across many national government departments and agencies and is often referred to as a "Whole of Government (WoG) Approach."

#### The role of military forces

0203. Defence is a legitimate function of every state. The inherent right of self-defence under international law is enshrined in Article 51 of the United Nations Charter. This right includes the right of collective defence that is embodied in Article 5 of the North Atlantic Treaty. Defence can be achieved through either deterrence or coercion.

0204. Military forces are primarily used in conjunction with the other instruments of national power as a measure of last resort. This normally occurs only when the diplomatic, informational, and economic instruments are not sufficient to realize the strategic goals. Military forces can also be used in situations short of war to achieve limited national or international objectives.

0205. Military forces in democracies are subordinate to the elected civil authority and are prohibited from operating outside the bounds of jurisdiction set by that authority. In addition to combat operations, they are often used for domestic missions such as search and rescue, assistance to other government departments and agencies, aid to civil power, and for disaster relief operations both at home and abroad. However, despite the inherent flexibility and domestic utility of modern military forces, their *raison d'être* remains armed conflict. This distinction separates military forces from other security arms of the government such as police and border patrol.

#### A “Whole of Government” approach to operations

0615. In complex contemporary crises, activities and effects from a wide range of government participants need to be coordinated. The CF contribution to this Canadian “Whole of Government” (WoG) approach identifies an effects-based philosophy in seeking to stimulate, wherever possible, a cooperative culture and collaborative working environment between government departments and agencies. Within this philosophy, participants work proactively and share their understanding of a more comprehensive description of the campaign planning process and terminology can be found in CFJP 5.0 Operational Planning Process.

The Canadian Government integrated approach to crisis situations that incorporates instruments of national

power: diplomacy (e.g. DFAIT), military (DND/CF), and economic (e.g. CIDA). situations and conduct planning and activities on the basis of shared favourable outcomes in the short, medium, and long term. In its simplest form, a WoG approach invigorates existing processes and strengthens relationships at personal, interdepartmental, and organizational levels. In the longer-term, to gain maximum benefit from a WoG approach, processes and structures may need to be adapted to reflect individual circumstance and situations. A WoG approach needs to be incorporated into the emerging thought on comprehensive approach to operations which includes actors beyond government, such as non-governmental organizations (NGOs), international organizations (IOs), local populations, and others who conduct activities and pursue objectives that have a bearing on the overall outcome.

#### Effects-based planning philosophy to CF operations

0616. An effects-based approach to planning recognizes the requirement to employ the military instrument of power in harmony with diplomatic and economic efforts to find a long-term

solution to a crisis. An effects-based philosophy deals with the situation as a whole and the changes that need to be made to physical and cognitive elements to secure a favourable outcome. Commanders need to assess the impact of their decisions and actions on the will, understanding, and capability of all participants, not merely the impact on the adversary. Effects-based thinking takes into consideration the physical and non-physical effects during all aspects of an operation (e.g., planning, preparations, execution, and assessment). Intermediate layers, called “effects,” exist between high-level objectives and physical actions. Effects-based thinking is a tool in support of the operational art, which links tactics to strategic aims.

e. Assistance to other government departments and agencies. Assistance to OGDs and agencies will be tailored to each specific operation. Assistance could include:

- (1) assistance to police training in cooperation with the Royal Canadian Mounted Police (RCMP);
- (2) the establishment of reconstruction teams in cooperation with Foreign Affairs and International Trade Canada (DFAIT), the Canadian International Development Agency (CIDA), Correctional Services of Canada, and the RCMP;
- (3) the establishment of a strategic advisory team (SAT) to advise the national government and mentor strategic planners; and
- (4) the establishment of other teams as required.

### **Multinational:**

0109. Combined doctrine is military doctrine that describes the best way to integrate and deploy national forces with the forces of allies in coalition or alliance operations. Combined doctrine supports mutual defence treaties, agreements or organizations, and establishes the principles, organization, and fundamental procedures for alliance or coalition operations. For Canada, the most important example of combined doctrine is North Atlantic Treaty Organization (NATO) doctrine. As a member of NATO, Canada is both obliged to follow NATO doctrine during NATO operations and is involved in the continual development and ratification of NATO doctrine.

#### Doctrinal interoperability with allies

0113. To facilitate interoperability, CF strategic, operational, and tactical doctrine must be consistent with the doctrine of our principal allies and alliances. In this regard, the CF actively participates in the development and ratification of combined doctrine within NATO. In addition, due to similarities in force structures and the strong probability that Canada will participate in coalition operations, Canada is an active participant in doctrine development with the armed forces of the United States (US), the United Kingdom (UK), Australia (AUS), and New Zealand (NZ). These relationships ensure that CF doctrine is compatible with the joint and combined doctrine of NATO and the “five eyes” community.

0114. In the event that there are inconsistencies between the doctrine of NATO and our principal allies, the following order of precedence will be used to achieve the greatest possible degree of interoperability:

- a. NATO doctrine;
- b. Canada, US, UK, AUS, and NZ multilateral doctrine;
- c. national doctrine of other NATO member states; and
- d. other doctrine, as applicable.

#### International defence structures and agreements

0309. Contributing to global security is one of the three core roles of the CF.18 Canada has a long history of contributing to multinational missions abroad that were lead by the North Atlantic Treaty Organization (NATO), the United Nations (UN), and other coalition partners. In addition, for continental defence, Canada has numerous agreements with corresponding United States (US) security organizations, both civilian and military, which reflect a bilateral approach towards security on both sides of the border.

0310. Canada-United States defence cooperation. The US is Canada's most important ally and defence partner. The relationship between the two countries goes beyond security issues, underpinned by close economic interdependence and shared values. Canada and the US have more than 80 treaty-level defence agreements, the most important of which is the mission carried out by the North American Aerospace Defense Command (NORAD). NORAD is a bi-national military organization formally established in 1958 by Canada and the US to monitor and defend North American airspace.

0311. NORAD has evolved and is currently charged with the missions of aerospace warning and aerospace control for North America. Through mutual support arrangements with other commands, aerospace warning includes the monitoring of man-made objects in space; and the detection, validation, and warning of attack against North America (whether by aircraft, missiles, or space vehicles). Aerospace control includes ensuring air sovereignty and air defence of the airspace of Canada and the US. The May 2006 NORAD Agreement Renewal added a maritime warning mission, which entails a shared awareness and understanding of the activities conducted in US and Canadian maritime approaches, maritime areas, and inland waterways.

0312. The NORAD commander is responsible to both the US President and the Canadian Prime Minister. When a US officer, Commander NORAD also command US Northern Command (USNORTHCOM). The NORAD-USNORTHCOM Command Center serves as a central collection and coordination facility for a worldwide system of sensors designed to provide the commander and the leadership of Canada and the US with an accurate picture of any aerospace threat.

0313. USNORTHCOM was established in 2002 to provide command and control of US Department of Defense (DoD) homeland security efforts and to coordinate defence support of civil authorities. USNORTHCOM's specific mission is the anticipation and conduct of homeland defence and civil support operations within the assigned area of responsibility to defend, protect, and secure the US and its interests. The USNORTHCOM area of responsibility includes air, land, and sea approaches and encompasses the continental United States, Alaska, Canada, Mexico and the surrounding water out to approximately 500 nautical miles. It also includes the Gulf of Mexico and the Straits of Florida. The commander of USNORTHCOM is responsible for theatre security cooperation with Canada and Mexico.

0314. The United Nations. The UN was founded in 1945 as a global organization intended to promote peace and security in order to avoid another world war. The United Nations Charter bounds nations to agree to practice tolerance, to unite to maintain international peace and

security, to ensure that armed force is not used except in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples. Canada is a founding member of the UN and continues to support the goals of the UN as an active member by supporting UN agencies of all kinds and by committing the CF to UN-sanctioned peace support operations.

0315. UN peace support operations were derived from Chapters VI and VII of the UN Charter<sup>19</sup> that allow disputes, either inter- or intra-state, to be brought to the attention of the Security Council or General Assembly. The Security Council has the authority to call on the parties involved to settle their disputes by peaceful means and to recommend appropriate procedures or methods of adjustment. If the peaceful means outlined in Chapter VI should prove insufficient, then measures under Chapter VII Chapter VI is entitled "Pacific Settlement of Disputes"; Chapter VII, "Actions with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression." may be invoked. Under Chapter VII, the Security Council is empowered to take effective collective measures against would-be aggressors including the use of force as necessary.

0316. United Nations peace support operations include the entire range of operations from the deployment of unarmed civilian observers to the use of armed troops to force a halt to aggression. Armed peacekeepers under UN command patrol borders, monitor ceasefires, enforce buffer zones between combatants, and provide force protection for humanitarian operations for civilian populations on all sides of a conflict. The Government of Canada may commit the CF to UN operations when it is in our national interest, the conditions are appropriate, suitable resources are available, and where it is judged that the CF can make a significant contribution.

0317. North Atlantic Treaty Organization. Canada is a founding member of NATO and continues to support the goals and aspirations of the organization as it transforms into a regional security and defence alliance. The guiding principle for NATO is one of common commitment and mutual cooperation among sovereign states in support of mutual security.

0318. A new alliance strategic concept was developed at the Washington Summit in 1999, which maintains the core functions of NATO but takes a broader approach to political stability and security. This strategic concept includes the following key aspects:

- a. Reaffirmation of the defensive nature of the Alliance;
- b. Indivisibility of the security of Alliance members;
- c. Security policy based on collective defence; military structures; and shared roles, risks, and responsibilities;
- d. Retention of the transatlantic link while strengthening the European security role;
- e. Maintenance of the minimum appropriate national mix of nuclear and conventional forces capable of providing a wide range of response options;
- f. Maintenance of a smaller NATO force structure at high readiness levels, featuring enhanced mobility, flexibility, and multinationality;
- g. Improved national contribution to crisis management and peaceful resolution of disputes; and
- h. Contribution to dialogue and cooperation with former adversaries through participation in confidence-building activities.

0319. In the event of a crisis that threatens the security of a NATO nation, Canada would provide predetermined forces that it maintains for multinational operations. Furthermore, should it be required, Canada would mobilize further national resources to provide the additional forces required to fulfill Canada's commitment to the Alliance as set out under Article 5, collective defence, of the Washington Treaty.

0320. The CF is also committed to provide forces for participation in NATO Non-Article-5 peace support operations as determined by the Government of Canada on a case-by-case basis.

0621. The tradition of contributing to coalitions is firmly rooted in Canadian history. Operating with nations in support of common interests and shared values has increasingly become the modus operandi of the international community in the 21st century. In the multi-polar world of the future, it is highly likely that Canada will continue to act as a member of a coalition force under the auspices of international organizations.

0622. Coalitions are normally formed within a lead nation concept, and this lead nation will be designated early on in the process. Such a lead nation has the will, capability, competence, and influence to provide the essential elements of political consultation and military leadership to coordinate the planning, mounting, and execution of a coalition military operation.

0623. Coalition operations are usually authorized by a mandate recognized under international law originating with the United Nations Security Council or a similarly authoritative body. The recognized authority will initiate or approve the coalition activity and define overarching objectives as well as the desired end state.

0624. The designated lead nation must be willing and capable of assuming the leadership role and able to build consensus on the coalition's political objectives. The lead nation also is responsible to present the coalition's proposed course of action to the international community, harmonize the coalition's planning and execution phases, and carry out the anticipated operation. Above all, a lead nation must be a politically acceptable choice for the other coalition partners.

0625. The lead nation will coordinate or provide communications and information management structures and will normally provide the coalition commander. Partners in the coalition must be brought in early during the planning process to interact continuously in order to anticipate and solve interoperability issues such as a lack of compatibility in command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) architectures.

These information networks are commonly referred to as "command, control, communications, computers, intelligence, surveillance, and reconnaissance" (C4ISR). The lead nation concept has been established by the Multinational Interoperability Council (MIC), of which Canada is a member.

0626. The development of strategic guidance is a key consideration for coalition operations. One of the major functions of the lead nation is to create mechanisms for consultation in order to achieve political consensus amongst coalition members and between the coalition and the recognized international authority. This process must produce strategic level guidance so that the coalition commander may proceed with operational planning. This guidance should define the coalition's objectives and overall political-military framework and should include parameters for the planning and execution of operations. It should also specify the scope of the coalition's mandate and any constraints to coalition operations.

0627. The reason for establishing a coalition operation is usually to accomplish an objective that a single nation would have difficulty achieving unilaterally for either political or military reasons. Contributions to a coalition operation are not judged solely upon the capability of the forces provided but also by the full range of political and military benefits that participating nations bring to the alliance or coalition as a whole. Political advantages include: sharing political risks; reinforcing legitimacy; demonstrating economic, diplomatic, military, or political support to other regions; and influencing national and international opinion. Military advantages include: addition of both depth and breadth to a force; providing access to national or regional logistic resources; and, in certain circumstances, sharing valuable information and intelligence.

0628. Coalition operations pose a number of key organizational challenges that impact military effectiveness. To be effective, a coalition operation requires integrated C4ISR system architectures that share, integrate, manipulate and display data from a number of multinational and national sources and logistics systems that acknowledge national responsibilities for support while catering to coalition requirements. Command of coalitions can lead to longer response times than purely national command arrangements, with numerous national constraints and caveats that need to be taken into account, which reduces the timeliness and efficiency of decision making. Common doctrine and procedures, in combination with realistic training, can help to counteract these detrimental effects and improve response time and efficiency of coalition operations.

0629. There are, however, potential risks in participating in coalition operations. For instance, divergent national interests, differences in force capabilities, and deficiencies in interoperability may affect the multinational force's efficiency. Other possible risks include: mission creep that can result from imprecise mandates and unclear objectives and logistical problems, which are caused by national logistics systems that cannot be integrated efficiently.

#### North Atlantic Treaty Organization operations

0630. The North Atlantic Treaty Organization (NATO) was established as a mutual defence organization to safeguard the freedom and security of its members through the use of combined political and military means. NATO was established in 1949 by the North Atlantic Treaty signed in Washington and initially included the US and Canada, and those European nations that were not under the control of the Union of Soviet Socialist Republics. Since its establishment, NATO has had several rounds of enlargement and the current membership is 26 nations plus associated partner and dialogue nations in Eastern Europe, North Africa, and the Middle East.



0631. The heads of state and government participating in the NATO Council meeting held in Washington, D.C. in April 1999, adopted a new Alliance Strategic Concept<sup>38</sup> that includes the following five primary strategic tasks:

- a. Security. To provide for a stable Euro-Atlantic security environment, based upon the growth of democratic institutions and commitment to the peaceful resolution of disputes, in which no country would be able to intimidate or coerce any other through the threat or use of force.
- B. Consultation. To serve, as provided for in Article 4 of the Treaty, as an essential transatlantic forum for allied consultations on any issues that affect national vital interests, including possible developments posing risks for members' security, and for appropriate coordination of their efforts in fields of common concern.
- C. Deterrence and defence. To deter and defend against any threat of aggression against any NATO member state as provided for in Articles 5 and 6 of the Treaty i.e. an attack upon one NATO nation is considered an attack upon all.
- D. Crisis management. To stand ready, in conformity with Article 7 of the Treaty, to contribute to effective conflict prevention and to engage actively in crisis management, including crisis response operations (CROs). Military activities during peacetime and conflict can be classified as non-Article 5 CROs. Peacetime activities can occur in any country. Examples of peacetime activities include: disaster relief, humanitarian assistance, counter-narcotics operations, support to law enforcement, military training exchanges, and multinational exercises. Conflict usually occurs outside a contributing forces' home country. Examples of conflicts include: limited attacks, raids, force protection, shows of force, support to insurgencies and counter-insurgencies, peacekeeping, and peace enforcement. Military forces can conduct Article 5 and non-Article 5 CROs simultaneously, within the same theatre.
- E. Partnership. To promote wide-ranging partnership, cooperation, and dialogue with other countries in the Euro-Atlantic area, including the Mediterranean and the Middle East, with the aim of increasing transparency, mutual confidence, and the capacity for joint action with the Alliance.

0632. The response to an armed attack on the territory of one of the member states of the Alliance is articulated within Articles 5 and 6 of the Treaty. However, Alliance security interests are also affected by other risks of a wider nature, including terrorism, sabotage, organized crime, or disruption in the flow of vital resources. The uncontrolled movement of large numbers of people, particularly as a consequence of armed conflicts or natural disasters, also impacts the security and stability of the Euro-Atlantic region. As a result, arrangements exist for consultation among the Allies under Article 4 of the North Atlantic Treaty and allow member nations, where appropriate, to consult and coordinate efforts in response to these growing types of threats.

0633. Crisis management efforts have become the major focus of the Alliance in the 21st century. The purpose of crisis management is to minimize the risk of escalation of crises through the mechanism of consultation and mutual action. In the event of a crisis that could potentially jeopardize Euro-Atlantic stability, the Alliance's military forces may be called upon to conduct non-Article 5 CROs. Additionally, NATO military forces may also be used to contribute to the preservation of international peace and security by conducting operations in support of other international organizations, such as the United Nations, complementing and reinforcing political actions within a broad approach to regional security.

#### United Nations operations

0634. The United Nations (UN) usually conducts operations that are described as peace support operations (PSOs). PSOs are generally multinational operations mounted in response to international crises. Although the UN usually conducts PSOs, regional security organizations, such as NATO, the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), the Organization of American States (OAS), or the African Union (AU) may act as a sponsor to conduct PSOs under the auspices of a UN Security Council resolution.

0635. A PSO, whether UN-led or undertaken by another entity with the authorization of the Security Council, is composed of five principal activities:

a. Conflict prevention includes structural or diplomatic measures to keep intra-state or inter-state tensions and disputes from escalating into deadly violence. It entails confidence building measures including: early warning, based on information gathering; informal or formal fact-finding; preventive deployment; or the creation of demilitarised zones. Strategies for prevention fall into two categories: operational prevention, which refers to

measures applicable in the face of an immediate crisis, and structural prevention, which consists of longer-term measures to ensure that crises do not arise or, if they do, that they do not recur.

B. Peacemaking generally addresses conflicts in progress. It involves diplomatic action to bring hostile parties to a negotiated agreement through such peaceful means as those set out in Chapter VI of the UN Charter. The Security Council or the General Assembly may call upon the UN Secretary-General to exercise his or her “Good Offices” to facilitate the resolution of the conflict. The Secretary-General may also undertake independent

peacemaking initiatives by offering to act as an independent intermediary to parties to resolve conflicts in a peaceful way. Peacemakers may also be envoys, governments, groups of states, regional organizations, or the UN, or they may be unofficial and nongovernmental groups.

Peacemaking may even be the work of a prominent personality, working independently.

C. Peacekeeping has evolved rapidly from a traditional, primarily military model of observing ceasefires and the separation of forces after inter-state wars to a complex model incorporating many elements (military, police, and civilian) working together to help lay the foundations of a sustainable peace. Although peacekeeping is not mentioned at all in the UN Charter, it has often been referred to as a Chapter VI activity. However, in recent years, the Security Council has introduced the practice of invoking Chapter VII of the UN Charter when authorizing the deployment of UN peacekeeping operations or mandating them to perform certain tasks, such as the protection of civilians under imminent threat of physical violence.

D. Peace enforcement is undertaken under Chapter VII of the UN Charter (specifically, Article 42) and may include the use of armed force to maintain or restore international peace and security in situations where the Security Council has determined the existence of a threat to the peace, breach of the peace, or act of aggression. Under Chapter VIII of the UN Charter, the Security Council may also utilize, where appropriate, regional organizations and agencies for enforcement action under its authority. Enforcement action has been undertaken to protect humanitarian aid, restore order and stability, guarantee freedom of movement, enforce sanctions, establish secure protected zones and demilitarized areas, and separate belligerents. The UN has no standing army and does not have the command and control arrangements, intelligence systems, or logistical and administrative support structures required to wage war effectively. Consequently, the UN

Security Council has almost always entrusted enforcement action to military alliances and/or ad hoc coalitions of willing states.

E. Peacebuilding involves a range of measures aimed at reducing the risk of lapsing or relapsing into conflict, by strengthening national capacities for conflict management, and laying the foundations for sustainable peace. It is a complex, long-term process aimed at creating the necessary conditions for positive and sustainable peace by addressing the deep-rooted structural causes of violent conflict in a comprehensive manner. Peacebuilding measures address core issues that affect the functioning of society and the state. In this regard, they seek to enhance the capacity of the State to effectively and legitimately carry out its core functions. Peacebuilding is undertaken by an array of UN and non-UN actors, including the UN agencies, funds and programmes, the international financial institutions, and NGOs.

0636. Canada has an established set of guidelines for determining involvement in UN operations (and PSOs in general). These guidelines, set out at Table 6-1, serve as an evaluation mechanism at both the political and military strategic levels to aid in the decision-making process for Canadian policymakers.

## **Public:**

0411. Military ethos comprises values, beliefs, and expectations that reflect core military values. Like core military values, military ethos is a reflection of the society from which a military force is drawn. It differentiates members of the profession of arms from mercenaries or members of an armed force that lacks defining values. It also identifies and explains fundamental beliefs about military service and defines the subordination of the armed forces to civilian control and the rule of law.

0412. In the case of the CF, the military ethos clarifies how its members must view their responsibilities, apply their expertise, and express their unique military identity. The ethos defines the Canadian profession of arms and is the essence of those qualities that Canadian military professionals are expected to uphold on behalf of Canadian society. It affirms certain beliefs and expectations regarding the military function of applying and managing lethal force. It also provides an understanding of the political and social environment within which the profession operates. Military ethos is critical to the operational effectiveness of the CF.

0413. The profession of arms. The CF military ethos defines the profession of arms as a distinct calling and rejects any notion that service in the CF is equivalent to employment in other areas of Canadian society. While all of the qualities intrinsic to a vocation apply to members of the CF, they are also expected to embrace the values of the nation, as well as those of their profession, in order to serve Canada to the best of their abilities.

0414. Beliefs and expectations about military service.<sup>25</sup> Canadian military men and women distinguish themselves from the rest of society in the following ways:

a. Accepting unlimited liability. Unlimited liability is the fundamental condition under which all members of the CF serve. They are required to accept, without reservation, that they must carry out their missions and tasks regardless of personal discomfort, fear, or danger. Unlimited liability is the cornerstone of military service and distinguishes CF members from their civilian counterparts.

b. Fighting spirit. The possession of fighting spirit provides CF members with the moral and intellectual qualities that allow them to endure hardship; function in conditions of extreme danger; and approach their assigned missions with confidence, tenacity and the will to succeed. Fighting spirit is the fundamental quality required during combat operations in order to act decisively and aggressively in the application of lethal force.

c. Discipline. Discipline plays a major role in maintaining a high standard of military professionalism. Discipline helps build the cohesion that enables individuals and units to achieve objectives that could not be attained by military skills alone and allows compliance with the interests and goals of the military institution while instilling shared values and common standards. Self-discipline facilitates immediate and willing obedience to lawful orders and directives, while strengthening individuals to cope with the demands and stresses of operations. It instills self-assurance and resiliency in the face of adversity and builds self-control. A high standard of military discipline is generated from an understanding of the demands of combat, knowledge of comrades, and trust in leaders.

d. Teamwork. Teamwork is essential to operational success. It builds cohesion while combining the individual talents and skills of team members to enhance versatility and flexibility in the

execution of assigned tasks and missions. Teamwork also encompasses the CF working with non-military organizations (both governmental and nongovernmental, private industry, and academia) in an integrated environment, to achieve collective objectives.

0415. The Canadian military ethos is not just a statement of values, it is the essential unity of values, beliefs, expectations, and conduct of the profession of arms. The Government of Canada's and Canadian society's trust in the CF is contingent on the application of the military ethos and the structure that it provides to the military profession. The CF military ethos serves to shape and to guide conduct for CF members and is the standard used by all CF members when confronted with an ethical dilemma.

#### Domestic operations

0637. The Canadian Forces must help assert Canada's sovereignty and ensure the security of its citizens by fulfilling essential national responsibilities. The CF must also work closely with federal government partners to ensure that Canada's territory as well as her air and maritime approaches are monitored constantly in order to detect threats to Canadian security as early as possible.

0638. The CF must be capable of addressing domestic threats quickly and effectively. While for the most part, other government departments (OGDs) and agencies have lead responsibilities in this area, the CF has a vital role to play in many instances from scrambling fighters to intercept an unknown potential air threat that has strayed too close to Canadian airspace to deploying special operations forces in response to a terrorist threat.

0639. The CF's role at home also includes assisting civilian authorities to fulfill their mandated national security responsibilities. While the CF does not have the lead role in responding to domestic emergencies of this nature, if called upon, the CF must be ready to support civilian authorities as required. This necessitates close coordination between military and federal departments such as Public Safety Canada, as well as provincial and territorial governments. The CF must also be ready to assist OGDs for Canadian security concerns such as overfishing, organized crime, drug interdiction, human smuggling, and environmental degradation.

0640. The CF must also have the capacity to exercise control and assert Canada's sovereignty in the Canadian Arctic. As activity in the Canadian Arctic, both on land and on water, increases, the CF will have a critical role to play in demonstrating a visible Canadian presence in this potentially resource-rich region and in helping other government agencies respond to any contingencies.

#### **Political:**

The primary function of strategic doctrine is to guide the use of armed forces as an instrument of national power. A secondary function is to assist in shaping perceptions within the Government of Canada (GoC) and the CF about the use of military capabilities as an instrument of national power. CF doctrine is subordinate to Canadian law and GoC policies.

0111. Strategic doctrine is based on lessons learned over time about the ways in which military forces can be used effectively to support national policy.

Statutory framework for the Canadian Forces and the Department of National Defence 0515. The mandate for the Department of National Defence (DND) originates with the National Defence Act (NDA). Under the NDA, the Minister of National Defence (MND) is assigned the responsibility for all matters relating to national defence and additionally for the management and direction of the CF. In addition, the NDA assigns responsibilities to the Governor-in-Council as follows:

- a. to appoint the CDS and the Judge Advocate General;
- b. to promulgate the regulations for the organization, training, discipline, efficiency, administration, and good governance of the CF;
- c. to declare that a national emergency exists or is imminent and to subsequently call out the CF to perform such service as the MND may authorize; and
- d. to deploy the CF on active service, through an Order-in-Council, anywhere in or beyond Canada at any time.

0516. The MND, the Deputy Minister and the CDS are responsible and accountable, in both legal and practical terms, for the use of the authorities and resources entrusted to them by Parliament. In Canada, this is expressed in terms of ministerial control over DND and the CF coupled with effective parliamentary oversight of defence programs. The line of authority from Parliament, Cabinet, and the Minister encompasses all matters relating to national defence including personnel, financial, and resource management and oversight of the conduct of CF operations. Conversely, the MND is directly accountable to the Prime Minister and to Parliament who in turn are accountable to Canadian society.

0517. The strategic command structure of the CF<sup>29</sup> mirrors that of many other nations with a British Commonwealth heritage. The Governor General, as the official representative of the monarchy in Canada, is designated as the Commander-in-Chief of the CF and the Government of Canada provides direction to the CF through the MND.

0518. The MND carries legal responsibility and is accountable to the Parliament of Canada for the administration of the National Defence Act, the Emergencies Act, the Visiting Forces Act, the Aeronautics Act (in relation to Defence), the Canadian Forces Superannuation Act, the Garnishment Attachment and Pension Diversion Act, and the Pension Benefit Division Act. Under these Acts, the MND is charged with, amongst other things, the management and direction of the CF and of all matters relating to national defence, as well as acting as lead Minister for search and rescue. All decisions and When the Governor-in-Council places any component or unit of the CF on active service, Parliament normally meets within ten days at which time the Order-in-Council is debated.

"...actions taken by DND and CF personnel in respect of these Acts are carried out, either directly or indirectly, under the authority of the MND."

0519. The development and articulation of Canada's defence policy are among the most important responsibilities of the MND. Defence policy is developed and set within a broader framework of national objectives and policy priorities that are decided by the Government as a whole.

0520. The Deputy Minister (DM) is appointed under the National Defence Act by the Governor-in-Council (i.e., the Cabinet), on the advice of the Prime Minister. The DM provides the MND with the broadest possible expert support in all of the Minister's responsibilities, except for partisan political activities. This includes supporting the Minister in consulting and informing Parliament and the Canadian public on defence issues. To this end, the DM advises the Minister on policy issues as well as on management concerns and manages the Department on behalf of the Minister. More specifically, the DM is responsible for policy advice, internal departmental management, interdepartmental coordination, and international defence relations.

0521. The CDS is appointed by Cabinet, on the advice of the Prime Minister, and is responsible to the MND for the conduct of military operations in support of government policy. The CDS, by virtue of the appointment, has responsibility for command, control and administration of the CF as well as military strategy, plans, and requirements. The CDS issues orders and instructions through the CF chain of command, delegates authority to commanders, and assigns missions to subordinate commanders as appropriate.

0522. The Vice Chief of Defence Staff (VCDS) is responsible for force planning and development as well as fiscal management. Additionally, the VCDS is the Chief of Staff for National Defence Headquarters (NDHQ) and coordinates the activities of the headquarters. In the absence or incapacity of the CDS, the VCDS will assume the role and responsibilities of the CDS unless another officer has been specifically designated by the CDS or the MND.

0523. In macro terms the CF is organized hierarchically along strategic, operational, and tactical lines. The CDS, with the Strategic Joint Staff (SJS), operates at the military strategic level. At the military operational level, the operational commands or "force employers" translate strategic objectives, roles, priorities, and responsibilities into operational objectives. The CDS directs the employment of the CF through the operational commanders. Operational support and force generation contribute forces and capabilities to the force employment structures that are subsequently employed on domestic or international operations.

0524. Specific CDS direction establishes command relationships for the temporary transfer of formations, units, and elements from one command to another. Unless otherwise specified, all CF elements or members in a theatre of operations or along strategic lines of communication, including Canadian Defence Attachés (CDAs) and liaison or exchange officers to allied forces or civilian agencies, are under TACON of the supported commander.

0525. The CDS may assign tasks relating to either of the above functions to any command, whether in a theatre of operations, along strategic lines of communication or in Canada. The CDS will also appoint a supported and one or more supporting and force-generating commands. Except where reserved by the CDS, Commander Canadian Expeditionary Force Command (CEFCOM) and Commander Canada Command (Canada COM) are the supported commanders for all CF operations executed in their respective area of responsibility (AOR). Other commanders may be designated as supported commander for certain force employment activities falling short of designation as an operation.

### **Military:**

Canadian Military Doctrine—outlines the strategic military doctrine of the Canadian Forces (CF) and the Canadian approach to operations. The CF doctrine is based upon a long and proud history of service to Canada and enduring principles that have been developed and tested over time. Combined with a rigorous analysis of the emerging concepts and trends that will shape the future security environment, Canadian Military Doctrine provides the military strategic guidance essential for the development and the employment of the full range of CF capabilities across the spectrum of operations in response to government direction.

0102. Canadian Military Doctrine describes the relationship between the CF and the Government of Canada, more specifically:

- a. national security and strategic policy applicable to the CF;
- b. the constitutional, political, legal, and administrative context within which Canada may use military power;
- c. the application of military power within Canada and the North American continent for domestic purposes;
- d. the manner in which the CF is organized and prepared to conduct operations; and
- e. the nature of conflict and evolving geo-political issues that influence Canadian international policy.

0103. Doctrine is a body of knowledge and thought that provides direction and aids understanding. The CF definition of doctrine is “fundamental principles by which military forces guide their actions in support of objectives.

### **Economic:**

Little mention within doctrine of Economics - save the need to operate within DND Budget. Fiscally the roles of the DM & VCDS are crucial are seek adherence to the government's economic / budgetary policy.

Economics is recognised in some new operational/tactical doctrine e.g. COIN where the inherent value of CIMIC/Reconstruction projects is noted. These projects need to be managed coherently with the application of military force.

### **Social:**

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citizens by fulfilling essential national responsibilities. The CF must also work closely with federal government partners to ensure that Canada's territory as well as her air and maritime approaches are monitored constantly in order to detect threats to Canadian security as early as possible.

0638. The CF must be capable of addressing domestic threats quickly and effectively. While for the most part, other government departments (OGDs) and agencies have lead responsibilities in this area, the CF has a vital role to play in many instances from scrambling fighters to intercept an unknown potential air threat that has strayed too close to Canadian airspace to deploying special operations forces in response to a terrorist threat.

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### **Information:**

Informational. Information itself is a strategic resource vital to pursuing national interests. The informational instrument of national power has a diffuse and complex set of components with no single centre of control. Decision making at the national strategic level is increasingly dependent on a reliable and real-time flow of relevant information. Military operations, in particular, are dependent on many simultaneous activities, relying on timely flow and dissemination of information to aid real-time effective decision making. Information readily available from multiple sources influences domestic and foreign audiences including citizens, adversaries, and governments.

Military forces are primarily used in conjunction with the other instruments of national power as a measure of last resort. This normally occurs only when the diplomatic, informational, and economic instruments are not sufficient to realize the strategic goals. Military forces can also be used in situations short of war to achieve limited national or international objectives.

Deterrence supports the diplomatic, informational, and economic activities and may help to prevent escalation once a conflict has begun.

Security. Security protects the cohesion of a force and other elements of its combat power. During operations it serves to guard vulnerabilities and protect vital interests. In the case of operations security (OPSEC), the protection of information must be assured at all times, not just during the conduct of operations. Security further provides the freedom of action to achieve

objectives as well as preventing the enemy from gaining an unexpected advantage. Security does not, however, imply undue caution and avoidance of risks, as bold action is essential to success in war.

The term “integrated command and control,” embodies the systems that are used by military commanders to exercise their authority in regulating forces and functions. In essence, these systems are decision support and situational awareness systems that provide capability necessary to direct, collaborate, coordinate, and share information in the high-speed information age.

0617. Interoperability is fundamental to the conduct of joint and combined operations. It resolves differences and removes obstacles to the effective functioning of forces in a multinational and/or multiservice environment. These obstacles are commonly caused by misunderstandings over: mission objectives and priorities, different rules of engagement or national caveats, different types of equipment, or similar equipment with different specifications. Other obstacles to interoperability concern differences in: doctrine, level and quality of training, and military culture.

0618. There are four key elements to interoperability: technical, training, doctrinal, and procedural. Technical interoperability is the ability of systems to provide information and services to, and accept information and services from, other systems, and to use the information and services so exchanged. Doctrinal interoperability is the ability of joint and combined forces to work together on military operations toward the achievement of common objectives. Both are enabled through the formulation of procedures and appropriate training. When forces are interoperable, the technology, the training, the doctrine, and the procedures they use are coordinated to allow them to function together effectively. It is CF policy that all doctrine be consistent to the maximum extent possible with the doctrine of principal allies. The objective is to manage interoperability relationships to permit seamless operational integration at short notice.

0619. Given the nature of the CF and its international commitments, all doctrine should be consistent, to the maximum extent possible, with the doctrine of its principal allies. Strong military-to-military relationships between the CF and its principal allies will ensure effective operational integration in areas such as doctrine and information networks.<sup>36</sup> A key CF objective is to be fully interoperable with the United States (US) and to have compatible doctrine with other key allies.

### **Infrastructure:**

The Government's Canada First Defence Strategy (CFDS) defines the roles for the CF and identifies the military capabilities required to meet these roles. The Strategic Capability Investment Plan (SCIP) assists the Department of National Defence in implementing the CFDS in balancing resources across the four capability pillars: personnel, equipment, readiness, and infrastructure.

0405. Canada's ability to continue to contribute to international peace and stability is dependent upon relationships with like-minded partners and the effectiveness of the Canadian Government in employing the instruments of national power. Canadian interests include the nation's economic wellbeing; the safety of Canadian citizens; the protection of infrastructure; and Canada's sovereignty, security, and territorial integrity of Canada. These will continue to shape Canadian foreign policy as well as the roles and missions of the CF. Canadian strategic military doctrine must be sufficiently flexible to accommodate government priorities. Furthermore, the CF must be structured to defend Canada and possess global expeditionary capabilities and forces readily adaptable to international events in support of Canada's foreign policy objectives. Canada must therefore possess modern maritime, land, and aerospace forces able to undertake a broad range of missions and tasks at home and abroad.

Support to civilian infrastructure. Ideally, the restoration of essential services (including the provision of humanitarian assistance) and longer-term reconstruction of the state's infrastructure will be led by agencies other than the military. However, the military will have to fill the void until the security situation improves and other agencies become capable of such activities. Furthermore, the military may wish to pursue some of these tasks, particularly at the tactical level, in order to engender ongoing support from the local populace.

### **Physical Geography:**

0405. Canada's ability to continue to contribute to international peace and stability is dependent upon relationships with like-minded partners and the effectiveness of the Canadian Government in employing the instruments of national power. Canadian interests include the nation's economic well being; the safety of Canadian citizens; the protection of infrastructure; and Canada's sovereignty, security, and territorial integrity of Canada. These will continue to shape Canadian foreign policy as well as the roles and missions of the CF. Canadian strategic military doctrine must be sufficiently flexible to accommodate government priorities. Furthermore, the CF must be structured to defend Canada and possess global expeditionary capabilities and forces readily adaptable to international events in support of Canada's foreign policy objectives. Canada must therefore possess modern maritime, land, and aerospace forces able to undertake a broad range of missions and tasks at home and abroad.

Canadian Military Doctrine describes the relationship between the CF and the Government of Canada, more specifically:

- a. national security and strategic policy applicable to the CF;
- b. the constitutional, political, legal, and administrative context within which Canada may use military power;
- c. the application of military power within Canada and the North American continent for domestic purposes;
- d. the manner in which the CF is organized and prepared to conduct operations; and
- e. the nature of conflict and evolving geo-political issues that influence Canadian international policy.

**Time:**

Enduring & Current

## **A.2.25 Overview: National Security Policy (NSP) (2004)**

**Lead Department: Public Safety Canada**

### **Joint:**

Not Applicable. Although there is reference to joint domestic operations in Canada:

The Canadian Forces have also figured prominently in the consequence management of national emergencies, helping civilian authorities respond, over the last several years, to floods in Quebec and Manitoba; the ice storm in eastern Ontario, Quebec and New Brunswick; the aftermath of the Swiss Air crash off the coast of Nova Scotia; the Y2K transition; forest fires in British Columbia; and Hurricane Juan in Nova Scotia in 2003.

National security is a key driver of Canadian defence policy. The primary obligation of the Canadian Forces is to defend Canada and Canadians, particularly from external military threats. They also play a key role in protecting Canadians from internal threats to their security, both accidental and intentional.

Our forces must also be able to defend Canada, help secure North America, and address threats to our national security as far away from our borders as possible. Indeed, getting the right balance between domestic and international security concerns will be an important consideration in determining the roles and force structure of the Canadian Forces.

### **Interagency:**

Departments and agencies must co-operate closely and, wherever appropriate, share relevant information with each other. In addition, a structure must exist to ensure that the results of integrated analysis can be quickly transmitted to those who need them in order to take action. We cannot allow organizational silos to inhibit our ability to identify and respond to threats to the security of Canada.

Integrated Threat Assessment Centre. It will be supported by, and staffed with, representatives of a broad range of departments and agencies including Public Safety and Emergency Preparedness, CSIS, the RCMP, the Communications Security Establishment, the Department of National Defence, the Department of Foreign Affairs, the Privy Council Office, Transport Canada, and the Canada Border Services Agency. It will also be able to draw on expertise from other departments and agencies, as required.

The Minister of Transport has lead responsibility for marine safety and security policy co-ordination and regulation. The Minister of Public Safety and Emergency Preparedness will continue to have lead responsibility for enforcement and policing. The Minister of National Defence will be the lead minister for the co-ordination of on-water response to a marine threat or a developing crisis in our Exclusive Economic Zone and along our coasts. MSOCs will be headed by Canadian Forces Maritime Command, the centres will include staff from the CBSA,

Transport Canada, the RCMP, and the Canadian Coast Guard. Reflecting the approach the Canadian Forces and Canadian Coast Guard take to carry out search and rescue operations, these Marine Security Operations Centres will have the authority and capacity, through interagency staffing, to bring to bear all civilian and military resources necessary to detect, assess, and respond to a marine security threat. Marine Security Operations Centres will be networked with the Coast Guard's vessel traffic and communications systems, and with the new Government Operations Centre in Ottawa. The government is increasing on-water patrols to better position the RCMP, Coast Guard and the Canadian Forces Maritime Command to intervene, interdict, and board ships that may pose threats to Canada. As well, the Government is increasing the Department of Fisheries and Ocean's aerial surveillance activities. Combined with Canadian Forces aerial surveillance activities, these programs detect, track and classify vessels in our waters.

Management of our borders is in keeping with the need to facilitate trade and travel, while preventing high-risk travellers and cargo from entering Canada through air, land, and marine ports.

In 2001, Parliament passed the Government's new Immigration and Refugee Protection Act, which provides more tools to address security threats. The Act contains more stringent penalties for people using or selling forged or false documents and it allows the Government to deny individuals who are confirmed as security threats access to our refugee determination process. The Act also provides additional tools to prevent access to Canada by members of foreign-based organized crime groups. New provisions include grounds of inadmissibility for persons involved in people smuggling and trafficking, money laundering and trans-border offences related to the possession of illegal substances.

### **Multinational:**

For many years Canada has exchanged intelligence with key allies. To effectively meet the security and intelligence challenges we face, Canada has also developed important new relationships. These relationships focus on a variety of issues, such as anti-terrorism, non-proliferation, new and emerging health concerns and the protection of our armed forces personnel deployed abroad.

In recognition of our shared responsibility for our common air space, Canada and the United States have been formal partners since 1958 in its defence and security through NORAD. Since September 11, NORAD has adapted to the new threat environment by increasing its operational readiness and by addressing threats within and outside North America. Canada has partnered with the United States to jointly position customs officers at key North American ports. Technology investments such as gamma-ray systems, ion mobility spectrometers, and trace detection systems, permit effective and unobtrusive screening of containers for explosive, chemical, biological, nuclear and radiological devices.

Canada also played a leading role at the International Maritime Organization to develop a comprehensive international marine security regime set to enter into force in July 2004. The

International Convention for the Safety of Life at Sea and the International Ship and Port Facility Security Code now require security assessments and plans for ships and marine facilities, including the designation of security officers on ships.

Canada and the United States will work more closely to protect and defend our coasts and our territorial waters. Given that we share responsibility for our contiguous waters, we will work with the United States to pursue enhanced marine security cooperation, including encouraging mutually high and compatible rules, standards and operations, among other measures. Canada will propose collaborating more closely in the enhancement of the security of our ports and vessels by conducting of common threat, vulnerability and risk assessments, and through security audit programs. Canada will also strive to closely co-ordinate our Marine Security Operations Centres with the U.S. Coast Guard Operations Centres. Working together, these centres would provide a comprehensive picture of vessels operating in our contiguous waters.

Canada will work with the United States to improve the security of intermodal cargo containers. Our aim is to deepen our existing co-operation by partnering in the Container Security Initiative. We will explore the deployment of customs officers at overseas ports to verify inspections of high-risk containers before they are loaded on vessels destined for North America.

Canada and the United States have expanded integrated border enforcement teams to cover the 14 geographic regions along the land border. These multidisciplinary teams deal with potential terrorist and criminal activity between ports of entry. The Canada Border Services Agency created the National Risk Assessment Centre to improve information sharing about high-risk individuals and cargo with the United States. This is increasing the capacity of the two countries to detect and stop high-risk travellers and cargo destined for either country. The National Risk Assessment Centre will be linked to the Integrated Threat Assessment Centre described earlier.

Through institutions such as the G8, the World Customs Organization, the International Maritime Organization, and the Asia-Pacific Economic Co-operation forum, we will seek to enhance international standards and to internationalize our Smart Borders programs.

Based on the current threat environment, we have placed the highest priority on countering international terrorism, preventing the proliferation of weapons of mass destruction, assisting failed and failing states, and defusing intra and interstate conflicts that threaten our national security.

The government will strive for enhanced relevance of both NATO and the United Nations. The former is our best insurance policy in an increasingly dangerous and unpredictable threat environment. The meaningful reform of the latter is our best hope for a truly global peace. We recognize the importance of broadening international consensus on dealing with threats. Canada has been particularly active in highlighting a security agenda at the G8 and will continue to do so. We will continue to pursue a coherent security agenda with key international partners and other relevant multilateral organizations.



### **Public:**

In partnership with the private sector and our international partners, we will identify strategies to enhance the security of air cargo. These strategies should build on programs pioneered by Canada for the movement of cargo by truck. This would include building on programs such as the Partners in Protection program for identifying trusted shippers, filing advance notice of cargo being shipped by air, and automated targeting systems to identify high-risk cargo for closer inspection.

It is important to do more to protect our critical transportation infrastructure. This will require collaboration with provincial and municipal governments, and with independent operators responsible for key parts of our transportation system. For example, rail operators own the track that carries passengers and freight across Canada. Pipelines that are privately owned and operated carry oil and gas resources to our urban centres and to the United States. Bridge and tunnel operators are responsible for key trade corridors to the United States. NavCanada owns and operates Canada's air navigation system on which Canadians rely for continued safe operation of our air space. Airport and marine port authorities are responsible for the gateways connecting Canadians and the Canadian economy with the rest of the world.

### **Political:**

We have addressed these threats to our society in a way that has strengthened the open nature of our country — open to immigrants from around the world and respectful of differences among us. Our prosperity is directly linked to this openness and to our ability to flourish in an increasingly interdependent world.

The Government of Canada has taken important steps to respond to this increasingly complex and dangerous threat environment. In the past few years, it has funded over \$8 billion in additional investments to address our key security gaps.

Our diplomatic pursuit of international peace and security is also driven, in large part, by our national security interests. Our security was the paramount rationale for our activism in the shaping of the United Nations and the North Atlantic Treaty Organization (NATO) and for our contributions to arms control and disarmament initiatives during the Cold War. More recently, national security concerns have influenced the types of assistance we provide to certain failing and failed states in crisis.

Such an approach will also help us to develop a long-term strategic framework to more effectively prevent and respond to other types of security threats. In short, we need to take the historic step of issuing Canada's first-ever comprehensive statement of national security policy which provides an integrated strategy for addressing current and future threats to our country.

The National Security Policy focuses on addressing three core national security interests:

1. protecting Canada and Canadians at home and abroad;
2. ensuring Canada is not a base for threats to our allies; and
3. contributing to international security.

Management of our borders is in keeping with the need to facilitate trade and travel, while preventing high-risk travellers and cargo from entering Canada through air, land, and marine ports.

As part of the structural changes announced in December 2003, the Government created the Canada Border Services Agency. This agency brings together the border security and intelligence functions formerly with the Canada Customs and Revenue Agency, Citizenship and Immigration Canada and the Canadian Food Inspection Agency. To better link these efforts with the policing and broader intelligence community, the agency was brought into the new Department of Public Safety and Emergency Preparedness — which includes the Canadian Security Intelligence Service (CSIS) and the RCMP. These actions are helping us to better integrate our intelligence and law enforcement officials with those responsible for making risk-based decisions on the flow of people and goods at our borders.

The Smart Borders Declaration, signed with the United States on December 12, 2001, supports a detailed 32-point Action Plan to enhance the security of the flow of goods and people and the transportation system, and to strengthen intelligence and law enforcement co-operation. The Smart Borders initiatives make both countries partners in systems and programs that expedite the flow of low-risk goods and people while increasing the information that is needed to screen higher-risk flows.

Based on the current threat environment, we have placed the highest priority on countering international terrorism, preventing the proliferation of weapons of mass destruction, assisting failed and failing states, and defusing intra and interstate conflicts that threaten our national security.

It enhanced federal-provincial-territorial co-operation on emergencies, including major exercises.

### **Military:**

National security is a key driver of Canadian defence policy. The primary obligation of the Canadian Forces is to defend Canada and Canadians, particularly from external military threats. They also play a key role in protecting Canadians from internal threats to their security, both accidental and intentional.

The International Policy Review will make important recommendations regarding the Government of Canada's diplomatic, defence and development agenda, as well as the structure of the Canadian Forces.

The Government also announced in Budget 2001 that it would enhance the capacity of JTF2, our military's special forces, to counter terrorism both at home and abroad.

Our forces must also be able to defend Canada, help secure North America, and address threats to our national security as far away from our borders as possible. Indeed, getting the right

balance between domestic and international security concerns will be an important consideration in determining the roles and force structure of the Canadian Forces.

In this increasingly unstable international threat environment, Canada must have armed forces that are flexible, responsive and combat-capable for a wide range of operations, and that are able to work with our allies. This government recognizes, however, that the Canadian Forces are more than a national security capability. When Canada engages internationally to protect human rights, for example, it needs to be able to call on both diplomatic efforts and military power.

The government is enhancing the Disaster Assistance Response Team's contingency planning capacity, and providing for some additional domestic response capability when the unit is deployed overseas. And ensuring that the Canadian Forces and Canadian first line responders are adequately prepared to protect Canadian interests by upgrading and consolidating the facilities required to provide training, advice and technological support to the Canadian Forces, Canadian first line responders, and other government departments.

The Minister of National Defence will be the lead minister for the co-ordination of on-water response to a marine threat or a developing crisis in our Exclusive Economic Zone and along our coasts.

### **Economic:**

We have addressed these threats to our society in a way that has strengthened the open nature of our country — open to immigrants from around the world and respectful of differences among us. Our prosperity is directly linked to this openness and to our ability to flourish in an increasingly interdependent world.

The Smart Borders Declaration, signed with the United States on December 12, 2001, supports a detailed 32-point Action Plan to enhance the security of the flow of goods and people and the transportation system, and to strengthen intelligence and law enforcement co-operation. The Smart Borders initiatives make both countries partners in systems and programs that expedite the flow of low-risk goods and people while increasing the information that is needed to screen higher-risk flows.

### **Social:**

Canadians have built a bilingual, multicultural federal state whose system of government and public service is respected around the world. We have an excellent reputation in international capacity building and in peace support operations.

The Government will therefore enhance Canada's capacity for helping restore peace, order and good government in failed and failing states. Beyond offsetting direct threats to Canada, the assistance we provide to these countries is an expression of our values.

One of our initiatives in this area will be to ensure we have greater military-civilian capacity. We will provide military and police forces to secure the peace and civilian expertise to help build

democratic institutions. On the civilian side, we will facilitate contributions from across the Government, as well as from provinces, territories, communities, non-governmental organizations, the private sector, and the Canada Corps.

Canadians have built a remarkable country shaped by a deep attachment to democracy, the rule of law, respect for human rights and pluralism. Our way of life is based on an openness to ideas and innovations, and to people from every part of the world — a commitment to include every individual and every community in the ongoing project that is Canada — and a steadfast rejection of intolerance, extremism and violence.

The Government is determined to pursue our national security interests and to be relentless in the protection of our sovereignty and our society in the face of these new threats.

The new and more complex security environment requires Canada to deal frankly with the reality that in an open society, tensions can develop among communities. There is a risk that the seeds of conflict and extremism can take root even in the most tolerant of settings. Canadians stand together in reaffirming that the use of violence to pursue political, religious or ideological goals is an affront to our values and must be met with a determined response by Canadians and by their governments.

To this end, the Government is creating a Cross-Cultural Roundtable on Security, which will be comprised of members of ethno-cultural and religious communities from across Canada. It will engage in a long-term dialogue to improve understanding on how to manage security interests in a diverse society and will provide advice to promote the protection of civil order, mutual respect and common understanding. It will be a partnership with all communities to work to ensure that there is zero tolerance for terrorism or crimes of hate in Canada. The roundtable will work with the Minister of Public Safety and Emergency Preparedness and the Minister of Justice.

Recent events in Canada such as SARS have called into question the effectiveness of existing disaster financial assistance arrangements to deal quickly and effectively with response and recovery. The need for consistency of application, improvement of federal-provincial-territorial co-operation, and a comprehensive federal response is driving the development of a framework for responsive disaster recovery assistance. As part of this, the Government will complete an ongoing review of the Disaster Financial Assistance Arrangements, develop guiding principles for other federal instruments to complement these arrangements for situations such as public health and animal health emergencies, and examine the inventory of existing national programs and legal tools to enhance their applicability to emergency response and recovery.

### **Information:**

The Government is building a fully integrated security system that ensures that we can more effectively respond to existing threats and quickly adapt to new ones. The system begins with a comprehensive threat assessment. It provides both tactical and strategic information about risks to Canada. This threat information is used to structure and trigger proportionate, integrated capabilities to prevent or mitigate the effects of the threat. When an event occurs, an integrated

system for managing its consequences is triggered. In order to ensure the continuous improvement of the system, effective evaluation and review are conducted.

Government is creating an Integrated Threat Assessment Centre to facilitate the integration of intelligence into a comprehensive threat assessment, which will be made available to those who require it. The integrated approach that the Government is taking will help to reduce the risk that information held by one part of Government will fail to be provided in a timely fashion to those who can utilize it.

The best decisions regarding the scope and design of security programs, the allocation of resources and the deployment of assets cannot be made unless decision makers are as informed as possible.

The Government Operations Centre will be housed in the Department of Public Safety and Emergency Preparedness, and will provide leadership in emergencies of national importance.

We need to ensure that we have the ability to assess information on threats to Canada and Canadian interests. Departments and agencies must co-operate closely and, wherever appropriate, share relevant information with each other. In addition, a structure must exist to ensure that the results of integrated analysis can be quickly transmitted to those who need them in order to take action. We cannot allow organizational silos to inhibit our ability to identify and respond to threats to the security of Canada.

It enhanced the ability of law enforcement agencies to investigate cyber-incidents and other threats to national security.

Cyber-security is at the forefront of the transborder challenge to Canada's critical infrastructure. The threat of cyber-attacks is real, and the consequences of such attacks can be severe. To achieve a more proactive cyber-security posture and to keep pace with the efforts of key allies, the Government will strengthen its capacity to predict and prevent cyber-attacks.

### **Infrastructure:**

Provinces and territories to bring key emergency management actors from across the country to the table. This includes communities, first line responders and the private sector. The objective will be to collectively assess the requirements of the entire national emergency management community to better position the country to meet the increasingly complex security environment that we face.

### **Physical Geography:**

The Government is determined to pursue our national security interests and to be relentless in the protection of our sovereignty and our society in the face of these new threats.

Enhance the security of our skies, our waters, and surface routes for the movement of people

and commerce. With the United States, we will work to develop stringent, consistent regulatory standards, and we will collaborate more closely to better detect, assess, and respond to threats. We will work with other countries to strengthen international standards for transportation security, build confidence in one another's security standards, and where this has been accomplished, mutually recognize them.

The Minister of National Defence will be the lead minister for the co-ordination of on-water response to a marine threat or a developing crisis in our Exclusive Economic Zone and along our coasts.

Canada and the United States will work more closely to protect and defend our coasts and our territorial waters. Given that we share responsibility for our contiguous waters, we will work with the United States to pursue enhanced marine security cooperation, including encouraging mutually high and compatible rules, standards and operations, among other measures. Canada will propose collaborating more closely in the enhancement of the security of our ports and vessels by conducting of common threat, vulnerability and risk assessments, and through security audit programs. Canada will also strive to closely co-ordinate our Marine Security Operations Centres with the U.S. Coast Guard Operations

Centres. Working together, these centres would provide a comprehensive picture of vessels operating in our contiguous waters. They could systematically share information on vessels, crew and cargo that may pose a threat to our shared security, and we would propose that they co-ordinate efforts to target and intercept these threats.

**Time:**

But we need to do more. Working to prevent attacks like the one launched against commuter trains in Madrid requires a more integrated approach to national security — integrated inside the Government of Canada and with key partners. Such an approach will also help us to develop a long-term strategic framework to more effectively prevent and respond to other types of security threats.

Through institutions such as the G8, the World Customs Organization, the International Maritime Organization, and the Asia-Pacific Economic Co-operation forum, we will seek to enhance international standards and to internationalize our Smart Borders programs.

## **A.2.26 Overview: US Navy Arctic Roadmap**

**Lead Department: Department of Defense**

### **Joint:**

A core desired effect from the roadmap: "The US Navy is engaged in strong cooperative partnerships that preserve a safe, stable and secure Arctic region." To do so, the following action items are outlined:

Action Item 1.8 - Expand cooperative partnerships with Joint, interagency, and international Arctic Stakeholders.

Description: Navy partnerships in the Arctic region will provide capability and contribute to achieving the Navy's objectives and desired effects in the region.

The process to develop and strengthen these partnerships will include:

- Evaluate existing agreements with the USCG, U.S. Air Force, U.S. Army, foreign militaries, and foreign government agencies/organizations (e.g. Canadian Coast Guard) that operate in the Arctic.

- Initiate discussions with the USCG, U.S. Air Force, U.S. Army, and foreign militaries to expand existing, or form new agreements concerning interoperability and collaborative efforts in the Arctic. Topic areas will

include operations, training, and common investments to achieve economies of scale. Every attempt will be made to leverage existing venues (e.g. USN-USCG Staff Talks).

- Formalize new or revised agreements with the USCG, U.S. Air Force, U.S. Army, and foreign militaries concerning interoperability and collaborative efforts in the Arctic.

### **Interagency:**

A core desired effect from the roadmap: "The US Navy is engaged in strong cooperative partnerships that preserve a safe, stable and secure Arctic region." To do so, the following action items are outlined:

Action Item 1.8 - Expand cooperative partnerships with Joint, interagency, and international Arctic Stakeholders.

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The process to develop and strengthen these partnerships will include:

- Evaluate existing agreements with the USCG, U.S. Air Force, U.S. Army, foreign militaries, and foreign government agencies/organizations (e.g. Canadian Coast Guard) that operate in the Arctic.

- Initiate discussions with the USCG, U.S. Air Force, U.S. Army, and foreign militaries to expand existing, or form new agreements concerning interoperability and collaborative efforts in the Arctic. Topic areas will

include operations, training, and common investments to achieve economies of scale. Every attempt will be made to leverage existing venues (e.g. USN-USCG Staff Talks).

- Formalize new or revised agreements with the USCG, U.S. Air Force, U.S. Army, and foreign

militaries concerning interoperability and collaborative efforts in the Arctic.

### **Multinational:**

A core desired effect from the roadmap: "The US Navy is engaged in strong cooperative partnerships that preserve a safe, stable and secure Arctic region." To do so, the following action items are outlined:

Action Item 1.8 - Expand cooperative partnerships with Joint, interagency, and international Arctic Stakeholders.

Description: Navy partnerships in the Arctic region will provide capability and contribute to achieving the Navy's objectives and desired effects in the region.

The process to develop and strengthen these partnerships will include:

- Evaluate existing agreements with the USCG, U.S. Air Force, U.S. Army, foreign militaries, and foreign government agencies/organizations (e.g. Canadian Coast Guard) that operate in the Arctic.
- Initiate discussions with the USCG, U.S. Air Force, U.S. Army, and foreign militaries to expand existing, or form new agreements concerning interoperability and collaborative efforts in the Arctic. Topic areas will include operations, training, and common investments to achieve economies of scale. Every attempt will be made to leverage existing venues (e.g. USN-USCG Staff Talks).
- Formalize new or revised agreements with the USCG, U.S. Air Force, U.S. Army, and foreign militaries concerning interoperability and collaborative efforts in the Arctic.

### **Public:**

None.

### **Political:**

"Navy action items and objectives within this roadmap are intended to achieve the following desired effects:

- Developing strong cooperative partnerships with interagency and international Arctic stakeholders
- Actively and competently contributing to safety, security, and stability in the Arctic
- Acquiring the right capability at the right cost and right time to meet combatant commander requirements for the region
- The media, public, Department of Defense, and the interagency, and international communities recognizing the US Navy as a positive and active contributor to a safe, secure, and stable Arctic region
- Understanding when significant access for Arctic shipping and other maritime activity is likely to develop"

### **Military:**

"The Navy Arctic Roadmap provides a chronological list of Navy action items, objectives,



and desired effects for the Arctic region from FY10-14. Focus areas include:

- Strategy, policy, missions, and plans
- Operations and training
- Investments in weapons, platforms, sensors, command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR), installations, and facilities
- Strategic communications and outreach
- Environmental assessment and prediction"

### **Economic:**

N/A

### **Social:**

"The Navy Arctic Roadmap provides a chronological list of Navy action items, objectives, and desired effects for the Arctic region from FY10-14. Focus areas include:

- Strategy, policy, missions, and plans
- Operations and training
- Investments in weapons, platforms, sensors, command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR), installations, and facilities
- Strategic communications and outreach
- Environmental assessment and prediction"

### **Information:**

"This roadmap specifies Navy actions over three phases - FY10 (phase 1), FY11-12 (phase 2), and FY13-14 (phase 3). Significant action items in phase 1 include:

- Assessments of Fleet readiness and mission requirements in the Arctic region
- Development of Navy Strategic Objectives in the Arctic region
- Continued partnership-building with stakeholders in the region and conduct of a limited objective experiment (LOE) for the Arctic
- Continued monitoring of USAF's Polar Military Satellite Communications (MILSATCOM) program
- Advocacy for accession to the United Nations Convention on the Law of the Sea
- Developing a Navy position regarding combatant commander authorities and responsibilities for the Arctic"

### **Infrastructure:**

N/A

### **Physical Geography:**

"This roadmap considers a number of strategic drivers including national policy guidance, the changing Arctic environment, the potential increase in natural resource extraction and inter- and intra-Arctic shipping, the activity and interests of other Arctic nations, past and present Navy experience in the Arctic, and current Fleet capabilities and limitations for Arctic operations"

**Time:**

"The Navy Arctic Roadmap provides a chronological list of Navy action items, objectives, and desired effects for the Arctic region from FY10-14."

**A.2.27      Overview:    NATIONAL SECURITY PRESIDENTIAL DIRECTIVE**  
**66**

**Lead Department:    Department of Homeland Security**

**Joint:**

III. B. National Security and Homeland Security Interests in the Arctic (Excerpts):

Freedom of the seas is a top national priority. The Northwest Passage is a strait used for international navigation, and the Northern Sea Route includes straits used for international navigation; the regime of transit passage applies to passage through those straits. Preserving the rights and duties relating to navigation and overflight in the Arctic region supports our ability to exercise these rights throughout the world, including through strategic straits.

Implementation: In carrying out this policy as it relates to national security and homeland security interests in the Arctic, the Secretaries of State, Defense, and Homeland Security, in coordination with heads of other relevant executive departments and agencies, shall:

- a.      Develop greater capabilities and capacity, as necessary, to protect United States air, land, and sea borders in the Arctic region

**Interagency:**

III. B. National Security and Homeland Security Interests in the Arctic (Excerpts):

"The United States also has fundamental homeland security interests in preventing terrorist attacks and mitigating those criminal or hostile acts that could increase the United States vulnerability to terrorism in the Arctic region."

"Implementation: ...Increase Arctic maritime domain awareness in order to protect maritime commerce, critical infrastructure, and key resources; Preserve the global mobility of United States military and civilian vessels and aircraft throughout the Arctic region; ..."

**Multinational:**

III. C. International Governance

The United States participates in a variety of fora, international organizations, and bilateral contacts that promote United States interests in the Arctic. These include the Arctic Council, the International Maritime Organization (IMO), wildlife conservation and management agreements, and many other mechanisms. As the Arctic changes and human activity in the region increases, the United States and other governments should consider, as appropriate, new international arrangements or enhancements to existing arrangements.

The Arctic Council has produced positive results for the United States by working within its

limited mandate of environmental protection and sustainable development. Its subsidiary bodies, with help from many United States agencies, have developed and undertaken projects on a wide range of topics. The Council also provides a beneficial venue for interaction with indigenous groups. It is the position of the United States that the Arctic Council should remain a high-level forum devoted to issues within its current mandate and not be transformed into a formal international organization, particularly one with assessed contributions. The United States is nevertheless open to updating the structure of the Council, including consolidation of, or making operational changes to, its subsidiary bodies, to the extent such changes can clearly improve the Council's work and are consistent with the general mandate of the Council. The geopolitical circumstances of the Arctic region differ sufficiently from those of the Antarctic region such that an "Arctic Treaty" of broad scope -- along the lines of the Antarctic Treaty -- is not appropriate or necessary.

The Senate should act favorably on U.S. accession to the U.N. Convention on the Law of the Sea promptly, to protect and advance U.S. interests, including with respect to the Arctic. Joining will serve the national security interests of the United States, including the maritime mobility of our Armed Forces worldwide. It will secure U.S. sovereign rights over extensive marine areas, including the valuable natural resources they contain. Accession will promote U.S. interests in the environmental health of the oceans. And it will give the United States a seat at the table when the rights that are vital to our interests are debated and interpreted.

Implementation: In carrying out this policy as it relates to international governance, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:

a. Continue to cooperate with other countries on Arctic issues through the United Nations (U.N.) and its specialized agencies, as well as through treaties such as the U.N. Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Long Range Transboundary Air Pollution and its protocols, and the Montreal Protocol on Substances that Deplete the Ozone Layer;

b. Consider, as appropriate, new or enhanced international arrangements for the Arctic to address issues likely to arise from expected increases in human activity in that region, including shipping, local development and subsistence, exploitation of living marine resources, development of energy and other resources, and tourism;

Review Arctic Council policy recommendations developed within the ambit of the Council's scientific reviews and ensure the policy recommendations are subject to review by Arctic governments; and

c. Continue to seek advice and consent of the United States Senate to accede to the 1982 Law of the Sea Convention.

### **Public:**

#### **III. G. Economic Issues, Including Energy (Excerpts)**

Sustainable development in the Arctic region poses particular challenges. Stakeholder input will inform key decisions as the United States seeks to promote economic and energy security. Climate change and other factors are significantly affecting the lives of Arctic inhabitants, particularly indigenous communities. The United States affirms the importance to Arctic

communities of adapting to climate change, given their particular vulnerabilities.

Energy development in the Arctic region will play an important role in meeting growing global energy demand as the area is thought to contain a substantial portion of the world's undiscovered energy resources. The United States seeks to ensure that energy development throughout the Arctic occurs in an environmentally sound manner, taking into account the interests of indigenous and local communities, as well as open and transparent market principles. The United States seeks to balance access to, and development of, energy and other natural resources with the protection of the Arctic environment by ensuring that continental shelf resources are managed in a responsible manner and by continuing to work closely with other Arctic nations.

Implementation: In carrying out this policy as it relates to economic issues, including energy, the Secretaries of State, the Interior, Commerce, and Energy, in coordination with heads of other relevant executive departments and agencies, shall:

a. Seek to increase efforts, including those in the Arctic Council, to study changing climate conditions, with a view to preserving and enhancing economic opportunity in the Arctic region. Such efforts shall include inventories and assessments of villages, indigenous communities, subsistence opportunities, public facilities, infrastructure, oil and gas development projects, alternative energy development opportunities, forestry, cultural and other sites, living marine resources, and other elements of the Arctic's socioeconomic composition;

### **Political:**

[US political focus is on cooperation in the Arctic, and this policy is drafted with this in mind. Of the six policy areas outlined in the policy, one is focused on strengthening "institutions for cooperation among the eight Arctic nations (the United States, Canada, Denmark, Finland, Iceland, Norway, the Russian Federation, and Sweden)". This priority is subordinate to national and homeland security concerns, but the overall implementation is drafted with a view to remaining within the bounds of the UN Convention for Law of the Sea (UNCLOS), which the US was, as of the time of the policy, not a signatory.]

### **Military:**

#### III. B. National Security and Homeland Security Interests in the Arctic

The United States has broad and fundamental national security interests in the Arctic region and is prepared to operate either independently or in conjunction with other states to safeguard these interests. These interests include such matters as missile defense and early warning; deployment of sea and air systems for strategic sealift, strategic deterrence, maritime presence, and maritime security operations; and ensuring freedom of navigation and overflight.

The United States also has fundamental homeland security interests in preventing terrorist attacks and mitigating those criminal or hostile acts that could increase the United States vulnerability to terrorism in the Arctic region.

The Arctic region is primarily a maritime domain; as such, existing policies and authorities relating to maritime areas continue to apply, including those relating to law enforcement.[1]

Human activity in the Arctic region is increasing and is projected to increase further in coming years. This requires the United States to assert a more active and influential national presence to protect its Arctic interests and to project sea power throughout the region.

The United States exercises authority in accordance with lawful claims of United States sovereignty, sovereign rights, and jurisdiction in the Arctic region, including sovereignty within the territorial sea, sovereign rights and jurisdiction within the United States exclusive economic zone and on the continental shelf, and appropriate control in the United States contiguous zone.

Freedom of the seas is a top national priority. The Northwest Passage is a strait used for international navigation, and the Northern Sea Route includes straits used for international navigation; the regime of transit passage applies to passage through those straits. Preserving the rights and duties relating to navigation and overflight in the Arctic region supports our ability to exercise these rights throughout the world, including through strategic straits.

Implementation: In carrying out this policy as it relates to national security and homeland security interests in the Arctic, the Secretaries of State, Defense, and Homeland Security, in coordination with heads of other relevant executive departments and agencies, shall:

- a. Develop greater capabilities and capacity, as necessary, to protect United States air, land, and sea borders in the Arctic region;
- b. Increase Arctic maritime domain awareness in order to protect maritime commerce, critical infrastructure, and key resources;
- c. Preserve the global mobility of United States military and civilian vessels and aircraft throughout the Arctic region;
- d. Project a sovereign United States maritime presence in the Arctic in support of essential United States interests; and
- e. Encourage the peaceful resolution of disputes in the Arctic region.

### **Economic:**

#### **III. G. Economic Issues, Including Energy**

Sustainable development in the Arctic region poses particular challenges. Stakeholder input will inform key decisions as the United States seeks to promote economic and energy security. Climate change and other factors are significantly affecting the lives of Arctic inhabitants, particularly indigenous communities. The United States affirms the importance to Arctic communities of adapting to climate change, given their particular vulnerabilities.

Energy development in the Arctic region will play an important role in meeting growing global energy demand as the area is thought to contain a substantial portion of the world's undiscovered energy resources. The United States seeks to ensure that energy development throughout the Arctic occurs in an environmentally sound manner, taking into account the interests of indigenous and local communities, as well as open and transparent market principles. The United States seeks to balance access to, and development of, energy and other natural resources with the protection of the Arctic environment by ensuring that continental shelf resources are managed in a responsible manner and by continuing to work closely with

other Arctic nations.

The United States recognizes the value and effectiveness of existing fora, such as the Arctic Council, the International Regulators Forum, and the International Standards Organization.

Implementation: In carrying out this policy as it relates to economic issues, including energy, the Secretaries of State, the Interior, Commerce, and Energy, in coordination with heads of other relevant executive departments and agencies, shall:

- a. Seek to increase efforts, including those in the Arctic Council, to study changing climate conditions, with a view to preserving and enhancing economic opportunity in the Arctic region. Such efforts shall include inventories and assessments of villages, indigenous communities, subsistence opportunities, public facilities, infrastructure, oil and gas development projects, alternative energy development opportunities, forestry, cultural and other sites, living marine resources, and other elements of the Arctic's socioeconomic composition;
- b. Work with other Arctic nations to ensure that hydrocarbon and other development in the Arctic region is carried out in accordance with accepted best practices and internationally recognized standards and the 2006 Group of Eight (G-8) Global Energy Security Principles;
- c. Consult with other Arctic nations to discuss issues related to exploration, production, environmental and socioeconomic impacts, including drilling conduct, facility sharing, the sharing of environmental data, impact assessments, compatible monitoring programs, and reservoir management in areas with potentially shared resources;
- d. Protect United States interests with respect to hydrocarbon reservoirs that may overlap boundaries to mitigate adverse environmental and economic consequences related to their development;
- e. Identify opportunities for international cooperation on methane hydrate issues, North Slope hydrology, and other matters;
- f. Explore whether there is a need for additional fora for informing decisions on hydrocarbon leasing, exploration, development, production, and transportation, as well as shared support activities, including infrastructure projects; and
- g. Continue to emphasize cooperative mechanisms with nations operating in the region to address shared concerns, recognizing that most known Arctic oil and gas resources are located outside of United States jurisdiction.

### **Social:**

[One of the six elements of the US Arctic policy includes involving "the Arctic's indigenous communities in decisions that affect them". There is no other explicit section of the policy document related to social factors. Any other issues related to indigenous concerns are embedded within other policy sections.]

#### **G. Economic Issues, Including Energy (excerpts):**

"Sustainable development in the Arctic region poses particular challenges. Stakeholder input will inform key decisions as the United States seeks to promote economic and energy security. Climate change and other factors are significantly affecting the lives of Arctic inhabitants, particularly indigenous communities. The United States affirms the importance to Arctic

communities of adapting to climate change, given their particular vulnerabilities."

"The United States seeks to ensure that energy development throughout the Arctic occurs in an environmentally sound manner, taking into account the interests of indigenous and local communities, as well as open and transparent market principles."

"Implementation: (a) Seek to increase efforts, including those in the Arctic Council, to study changing climate conditions, with a view to preserving and enhancing economic opportunity in the Arctic region. Such efforts shall include inventories and assessments of villages, indigenous communities, subsistence opportunities, public facilities, infrastructure, oil and gas development projects, alternative energy development opportunities, forestry, cultural and other sites, living marine resources, and other elements of the Arctic's socioeconomic composition"

"Implementation: (c) Consult with other Arctic nations to discuss issues related to exploration, production, environmental and socioeconomic impacts, including drilling conduct, facility sharing, the sharing of environmental data, impact assessments, compatible monitoring programs, and reservoir management in areas with potentially shared resources"

### III. H. Environmental Protection and Conservation of Natural Resources (Excerpt):

"The Arctic environment is unique and changing. Increased human activity is expected to bring additional stressors to the Arctic environment, with potentially serious consequences for Arctic communities and ecosystems."

### **Information:**

[Given the interest in communications and coordination with other nations, the primary information impact is the policy's interest in continuing to support such conflict resolution and decision-making mechanisms.]

### III. C. International Governance (excerpts):

"The United States participates in a variety of for a, international organizations, and bilateral contacts that promote United States interests in the Arctic. These include the Arctic Council, the International Maritime Organization (IMO), wildlife conservation and management agreements, and many other mechanisms. As the Arctic changes and human activity in the region increases, the United States and other governments should consider, as appropriate, new international arrangements or enhancements to existing arrangements."

"2. The Arctic Council has produced positive results for the United States by working within its limited mandate of environmental protection and sustainable development. Its subsidiary bodies, with help from many United States agencies, have developed and undertaken projects on a wide range of topics. The Council also provides a beneficial venue for interaction with indigenous groups. It is the position of the United States that the Arctic Council should remain a high-level forum devoted to issues within its current mandate and not be transformed into a formal international organization, particularly one with assessed contributions. The United States is nevertheless open to updating the structure of the Council, including consolidation of, or making operational changes to, its subsidiary bodies, to the extent such changes can clearly



improve the Council's work and are consistent with the general mandate of the Council."

Implementation: In carrying out this policy as it relates to international governance, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:

- a. Continue to cooperate with other countries on Arctic issues through the United Nations (U.N.) and its specialized agencies, as well as through treaties such as the U.N. Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention on Long Range Transboundary Air Pollution and its protocols, and the Montreal Protocol on Substances that Deplete the Ozone Layer;
- b. Consider, as appropriate, new or enhanced international arrangements for the Arctic to address issues likely to arise from expected increases in human activity in that region, including shipping, local development and subsistence, exploitation of living marine resources, development of energy and other resources, and tourism.

### **Infrastructure:**

#### III. B. National Security and Homeland Security Interests in the Arctic (Excerpt)

Implementation: In carrying out this policy as it relates to national security and homeland security interests in the Arctic, the Secretaries of State, Defense, and Homeland Security, in coordination with heads of other relevant executive departments and agencies, shall:

- a. Develop greater capabilities and capacity, as necessary, to protect United States air, land, and sea borders in the Arctic region.

### **Physical Geography:**

#### III. D. Extended Continental Shelf and Boundary Issues

Defining with certainty the area of the Arctic seabed and subsoil in which the United States may exercise its sovereign rights over natural resources such as oil, natural gas, methane hydrates, minerals, and living marine species is critical to our national interests in energy security, resource management, and environmental protection. The most effective way to achieve international recognition and legal certainty for our extended continental shelf is through the procedure available to States Parties to the U.N. Convention on the Law of the Sea.

The United States and Canada have an unresolved boundary in the Beaufort Sea. United States policy recognizes a boundary in this area based on equidistance. The United States recognizes that the boundary area may contain oil, natural gas, and other resources.

The United States and Russia are abiding by the terms of a maritime boundary treaty concluded in 1990, pending its entry into force. The United States is prepared to enter the agreement into force once ratified by the Russian Federation.

Implementation: In carrying out this policy as it relates to extended continental shelf and boundary issues, the Secretary of State, in coordination with heads of other relevant executive departments and agencies, shall:

- a. Take all actions necessary to establish the outer limit of the continental shelf appertaining to

the United States, in the Arctic and in other regions, to the fullest extent permitted under international law;

b. Consider the conservation and management of natural resources during the process of delimiting the extended continental shelf; and

c. Continue to urge the Russian Federation to ratify the 1990 United States-Russia maritime boundary agreement.

**Time:**

This directive supersedes Presidential Decision Directive/NSC-26 (PDD-26; issued 1994) with respect to Arctic policy but not Antarctic policy; PDD-26 remains in effect for Antarctic policy only.

## **A.2.28 Overview: US Quadrennial Defense Review Report Feb 2010**

**Lead Department: Department of Defense**

### **Joint:**

Changes directed under the QDR can be broadly characterized by the following trends:

- U.S. ground forces will remain capable of full-spectrum operations, with continued focus on capabilities to conduct effective and sustained counterinsurgency, stability, and counterterrorist operations alone and in concert with partners.
- U.S. naval forces likewise will continue to be capable of robust forward presence and power projection operations, even as they add capabilities and capacity for working with a wide range of partner navies. The rapid growth in sea- and land-based ballistic missile defense capabilities will help meet the needs of combatant commanders and allies in several regions.
- U.S. air forces will become more survivable as large numbers of fifth-generation fighters join the force. Land-based and carrier-based aircraft will need greater average range, flexibility, and multi-mission versatility in order to deter and defeat adversaries that are fielding more potent anti-access capabilities. We will also enhance our air forces' contributions to security force assistance operations by fielding within our broader inventory aircraft that are well-suited to training and advising partner air forces.
- The United States will continue to increase the capacity of its special operations forces and will enhance their capabilities through the growth of organic enablers and key support assets in the general purpose forces.
- The capabilities, flexibility, and robustness of U.S. forces across the board will be improved by fielding more and better enabling systems, including ISR, electronic attack capabilities, communications networks, more resilient base infrastructure, and enhanced cyber defenses.

### **Interagency:**

Enhance capabilities for domain awareness: The Department of Defense and its interagency partners must be able to more comprehensively monitor the air, land, maritime, space, and cyber domains for potential direct threats to the United States. Such monitoring provides the U.S. homeland with an extended, layered in depth defense. This effort includes enhanced coordination with Canada for the defense of North America as well as assisting Mexico and Caribbean partners in developing air and maritime domain awareness capacities. Special attention is required to develop domain awareness tools for the Arctic approaches as well. In coordination with domestic and international partners, DoD will explore technologies that have the potential to detect, track, and identify threats in these spheres to ensure that capabilities can be deployed to counter them

### **Multinational:**

Achieving the Department's strategic objectives requires close collaboration with counterparts at home and with key allies and partners abroad. Through its foreign defense relationships, the United States not only helps avert crises but also improves its effectiveness in responding to them.

Strengthening key relationships abroad: America's power and influence are enhanced by

sustaining a vibrant network of defense alliances and new partnerships, building cooperative approaches with key states, and maintaining interactions with important international institutions such as the United Nations. Recognizing the importance of fostering and improving military and defense relations with allies and partners, the Department continues to emphasize tailored approaches that build on shared interests and common approaches.

Enhance capabilities for domain awareness. The Department of Defense and its interagency partners must be able to more comprehensively monitor the air, land, maritime, space, and cyber domains for potential direct threats to the United States. Such monitoring provides the U.S. homeland with an extended, layered in depth defense. This effort includes enhanced coordination with Canada for the defense of North America as well as assisting Mexico and Caribbean partners in developing air and maritime domain awareness capacities. Special attention is required to develop domain awareness tools for the Arctic approaches as well. In coordination with domestic and international partners, DoD will explore technologies that have the potential to detect, track, and identify threats in these spheres to ensure that capabilities can be deployed to counter them in a timely fashion.

The United States will continue to work toward a secure and democratic Western Hemisphere by developing regional defense partnerships that address domestic and transnational threats such as narcoterrorist organizations, illicit trafficking, and social unrest. The Department will enhance defense relationships and continue to work with Canada in the context of regional security, increased interaction in the Arctic, and combat operations in Afghanistan.

### **Public:**

Expand civil affairs capacity. Ineffective governance can create areas that terrorists and insurgents can exploit. Circumstances are ripe for violent ideologies to spread among a population when governments struggle to provide basic services, justice and security, or the conditions for economic opportunity. Civil affairs forces address these threats by serving as the vanguard of DoD's support to U.S. government efforts to assist partner governments in the fields of rule of law, economic stability, governance, public health and welfare, infrastructure, and public education and information. Because of their linguistic and cultural skills, civil affairs personnel often serve as liaisons to reduce friction between our military forces and the civilian population.

Strengthen key supporting capabilities for strategic communication. As part of the U.S. government's integrated civilian-military efforts to interact effectively with a variety of audiences and stakeholders, DoD will continue to improve key capabilities that support strategic communication. Effective strategic communication requires close collaboration across interagency lines at all stages, and DoD works particularly closely with the Department of State to support State's core role in communicating with foreign governments and international publics. Effective strategic communication also requires the orchestration of multiple lines of operation. Chief among these are policy implementation, force employment, information operations, public affairs, civil affairs, and public diplomacy and engagement. Together, the effects of these activities support national objectives.

### **Political:**

Sustaining existing alliances and creating new partnerships are central elements of U.S. security strategy. The United States cannot sustain a stable international system alone. In an increasingly interdependent world, challenges to common interests are best addressed in concert with like-minded allies and partners who share responsibility for fostering peace and security.

The United States will continue to work toward a secure and democratic Western Hemisphere by developing regional defense partnerships that address domestic and transnational threats such as narcoterrorist organizations, illicit trafficking, and social unrest. The Department will enhance defense relationships and continue to work with Canada in the context of regional security, increased interaction in the Arctic, and combat operations in Afghanistan.

The United States and Russia share many interests—including countering proliferation and confronting terrorism. We are working with Moscow to develop a new START Treaty—an important step in the President’s initiative toward a world free of nuclear weapons. The new START Treaty will further reduce both nations’ nuclear arsenals while maintaining important treaty-monitoring provisions. We will seek out opportunities to work with Moscow on emerging issues, such as the future of the Arctic and the need for effective missile defense architectures designed to protect the region from external threats. At the same time, the United States will continue to engage with Russia’s neighbors as fully independent and sovereign states.

China’s growing presence and influence in regional and global economic and security affairs is one of the most consequential aspects of the evolving strategic landscape in the Asia-Pacific region and globally. In particular, China’s military has begun to develop new roles, missions, and capabilities in support of its growing regional and global interests, which could enable it to play a more substantial and constructive role in international affairs. The United States welcomes a strong, prosperous, and successful China that plays a greater global role. The United States welcomes the positive benefits that can accrue from greater cooperation. However, lack of transparency and the nature of China’s military development and decision-making processes raise legitimate questions about its future conduct and intentions within Asia and beyond. Our relationship with China must therefore be multidimensional and undergirded by a process of enhancing confidence and reducing mistrust in a manner that reinforces mutual interests.

### **Military:**

In the absence of dominant U.S. power projection capabilities, the integrity of U.S. alliances and security partnerships could be called into question, reducing U.S. security and influence and increasing the possibility of conflict.

The QDR directs the following enhancements:

- Expand future long-range strike capabilities;
- Exploit advantages in subsurface operations;
- Increase the resiliency of U.S. forward posture and base infrastructure;
- Assure access to space and the use of space assets;
- Enhance the robustness of key ISR capabilities;

- Defeat enemy sensors and engagement systems; and
- Enhance the presence and responsiveness of U.S. forces abroad

### **Economic:**

Prevent and deter conflict: America's enduring effort to advance common interests without resort to arms is a hallmark of its stewardship of the international system. Preventing the rise of threats to U.S. interests requires the integrated use of diplomacy, development, and defense, along with intelligence, law enforcement, and economic tools of statecraft, to help build the capacity of partners to maintain and promote stability.

### **Social:**

Expand civil affairs capacity. Ineffective governance can create areas that terrorists and insurgents can exploit. Circumstances are ripe for violent ideologies to spread among a population when governments struggle to provide basic services, justice and security, or the conditions for economic opportunity. Civil affairs forces address these threats by serving as the vanguard of DoD's support to U.S. government efforts to assist partner governments in the fields of rule of law, economic stability, governance, public health and welfare, infrastructure, and public education and information. Because of their linguistic and cultural skills, civil affairs personnel often serve as liaisons to reduce friction between our military forces and the civilian population.

### **Information:**

Strengthen key supporting capabilities for strategic communication. As part of the U.S. government's integrated civilian-military efforts to interact effectively with a variety of audiences and stakeholders, DoD will continue to improve key capabilities that support strategic communication. Effective strategic communication requires close collaboration across interagency lines at all stages, and DoD works particularly closely with the Department of State to support State's core role in communicating with foreign governments and international publics. Effective strategic communication also requires the orchestration of multiple lines of operation. Chief among these are policy implementation, force employment, information operations, public affairs, civil affairs, and public diplomacy and engagement. Together, the effects of these activities support national objectives.

### **Infrastructure:**

In combination and over time, the initiatives described in the QDR are designed to significantly enhance the ability of U.S. forces to protect and advance U.S. interests in both the near and longer term. In addition to better preparing our own forces for the future, these initiatives will improve the Department's ability to build the capability and capacity of partners.

Changes directed under the QDR can be broadly characterized by the following trends:

- U.S. ground forces will remain capable of full-spectrum operations, with continued focus on capabilities to conduct effective and sustained counterinsurgency, stability, and counterterrorist operations alone and in concert with partners.
- U.S. naval forces likewise will continue to be capable of robust forward presence and power projection operations, even as they add capabilities and capacity for working with a wide range of partner navies. The rapid growth in sea- and land-based ballistic missile defense capabilities

will help meet the needs of combatant commanders and allies in several regions.

- U.S. air forces will become more survivable as large numbers of fifth-generation fighters join the force. Land-based and carrier-based aircraft will need greater average range, flexibility, and multi-mission versatility in order to deter and defeat adversaries that are fielding more potent anti-access capabilities. We will also enhance our air forces' contributions to security force assistance operations by fielding within our broader inventory aircraft that are well-suited to training and advising partner air forces.
- The United States will continue to increase the capacity of its special operations forces and will enhance their capabilities through the growth of organic enablers and key support assets in the general purpose forces.
- The capabilities, flexibility, and robustness of U.S. forces across the board will be improved by fielding more and better enabling systems, including ISR, electronic attack capabilities, communications networks, more resilient base infrastructure, and enhanced cyber defenses.

### **Physical Geography:**

The effect of changing climate on the Department's operating environment is evident in the maritime commons of the Arctic. The opening of the Arctic waters in the decades ahead which will permit seasonal commerce and transit presents a unique opportunity to work collaboratively in multilateral forums to promote balanced approach to improving human and environmental security in the region. In that effort, DoD must work with the Coast Guard and the Department of Homeland Security to address gaps in Arctic communications, domain awareness, search and rescue, and environmental observation and forecasting capabilities to support both current and future planning and operations. To support cooperative engagement in the Arctic, DoD strongly supports accession to the United Nations Convention on the Law of the Sea.

### **Time:**

The 2010 Quadrennial Defense Review advances two clear objectives. First, to further rebalance the capabilities of America's Armed Forces to prevail in today's wars, while building the capabilities needed to deal with future threats.

This QDR guidance drove the development and review of the FY 2011 budget proposal and the Department's Future Years Defense Plan (FYDP) FY 2011–2015.

## **A.2.29 Overview: US National Security Strategy**

**Lead Department:** Department of Homeland Security

### **Joint:**

None.

### **Interagency:**

**Effectively Manage Emergencies:** We are building our capability to prepare for disasters to reduce or eliminate long-term effects to people and their property from hazards and to respond to and recover from major incidents. To improve our preparedness, we are integrating domestic all hazards planning at all levels of government and building key capabilities to respond to emergencies. We continue to collaborate with communities to ensure preparedness efforts are integrated at all levels of government with the private and non-profit sectors. We are investing in operational capabilities and equipment, and improving the reliability and interoperability of communications systems for first responders. We are encouraging domestic regional planning and integrated preparedness programs and will encourage government at all levels to engage in long-term recovery planning. It is critical that we continually test and improve plans using exercises that are realistic in scenario and consequences.

### **Multinational:**

**North America:** The strategic partnerships and unique relationships we maintain with Canada and Mexico are critical to U.S. national security and have a direct effect on the security of our homeland. With billions of dollars in trade, shared critical infrastructure, and millions of our citizens moving across our common borders, no two countries are more directly connected to our daily lives. We must change the way we think about our shared borders, in order to secure and expedite the lawful and legitimate flow of people and goods while interdicting transnational threat that threaten our open societies.

Canada is our closest trading partner, a steadfast security ally, and an important partner in regional and global efforts. Our mutual prosperity is closely interconnected, including through our trade relationship with Mexico through NAFTA. With Canada, our security cooperation includes our defense of North America and our efforts through NATO overseas. And our cooperation is critical to the success of international efforts on issues ranging from international climate negotiations to economic cooperation through the G-20.

### **Public:**

**Improve Resilience Through Increased Public-Private Partnerships:** When incidents occur, we must show resilience by maintaining critical operations and functions, returning to our normal life, and learning from disasters so that their lessons can be translated into pragmatic changes when necessary. The private sector, which owns and operates most of the nation's critical infrastructure, plays a vital role in preparing for and recovering from disasters. We must, therefore, strengthen public-private partnerships by developing incentives for government and the private sector to design structures and systems that can withstand disruptions and mitigate associated consequences, ensure redundant systems where necessary to maintain the ability to operate, decentralize critical operations to reduce our vulnerability to single points of disruption, develop and test continuity plans to ensure the ability to restore critical capabilities,



and invest in improvements and maintenance of existing infrastructure.

**Engage with Communities and Citizens:** We will emphasize individual and community preparedness and resilience through frequent engagement that provides clear and reliable risk and emergency information to the public. A key part of this effort is providing practical steps that all Americans can take to protect themselves, their families, and their neighbors. This includes transmitting information through multiple pathways and to those with special needs. In addition, we support efforts to develop a nationwide public safety broadband network. Our efforts to inform and empower Americans and their communities recognize that resilience has always been at the heart of the American spirit.

### **Political:**

International institutions—most prominently NATO and the United Nations—have been at the center of our international order since the mid 20th century. Yet, an international architecture that was largely forged in the wake of World War II is buckling under the weight of new threats, making us less able to seize new opportunities. Even though many defining trends of the 21st century affect all nations and peoples, too often, the mutual interests of nations and peoples are ignored in favor of suspicion and self-defeating competition.

What is needed, therefore, is a realignment of national actions and international institutions with shared interests. And when national interests do collide—or countries prioritize their interests in different ways—those nations that defy international norms or fail to meet their sovereign responsibilities will be denied the incentives that come with greater integration and collaboration with the international community.

### **Military:**

Our military will continue strengthening its capacity to partner with foreign counterparts, train and assist security forces, and pursue military-to-military ties with a broad range of governments. We will continue to foster economic and financial transactions to advance our shared prosperity. And our intelligence and law enforcement agencies must cooperate effectively with foreign governments to anticipate events, respond to crises, and provide safety and security.

### **Economic:**

Rebuilding our economy must include putting ourselves on a fiscally sustainable path. As such, implementing our national security strategy will require a disciplined approach to setting priorities and making tradeoffs among competing programs and activities. Taken together, these efforts will position our nation for success in the global marketplace, while also supporting our national security capacity—the strength of our military, intelligence, diplomacy and development, and the security and resilience of our homeland.

### **Social:**

"Finally, we will pursue engagement among peoples—not just governments—around the world. The United States Government will make a sustained effort to engage civil society and citizens and facilitate increased connections among the American people and peoples around the

world—through efforts ranging from public service and educational exchanges, to increased commerce and private sector partnerships. In many instances, these modes of engagement have a powerful and enduring impact beyond our borders, and are a cost-effective way of projecting a positive vision of American leadership.

**Resist Fear and Overreaction:** The goal of those who perpetrate terrorist attacks is in part to sow fear. If we respond with fear, we allow violent extremists to succeed far beyond the initial impact of their attacks, or attempted attacks—altering our society and enlarging the standing of al-Qa’ida and its terrorist affiliates far beyond its actual reach. Similarly, overreacting in a way that creates fissures between America and certain regions or religions will undercut our leadership and make us less safe."

### **Information:**

**"Deterring Threats to the International Financial System:** Today’s open and global financial system also exposes us to global financial threats. Just as we work to make the most of the opportunities that globalization brings, the actors that pose a threat to our national security—terrorists, proliferators, narcotics traffickers, corrupt officials, and others—are abusing the global financial system to raise, move, and safeguard funds that support their illicit activities or from which they derive profit. Their support networks have global reach and are not contained by national borders.

Our strategy to attack these networks must respond in kind and target their illicit resources and access to the global financial system through financial measures, administration and enforcement of regulatory authorities, outreach to the private sector and our foreign partners, and collaboration on international standards and information sharing."

**"Balance the Imperatives of Secrecy and Transparency:** For the sake of our security, some information must be protected from public disclosure—for instance, to protect our troops, our sources and methods of intelligence-gathering or confidential actions that keep the American people safe. Yet our democracy depends upon transparency, and whenever possible, we are making information available to the American people so that they can make informed judgments and hold their leaders accountable. For instance, when we invoke the State Secrets privilege, we will follow clear procedures so as to provide greater accountability and to ensure the privilege is invoked only when necessary and in the narrowest way possible. We will never invoke the privilege to hide a violation of law or to avoid embarrassment to the government."

**"Marshalling New Technologies and Promoting the Right to Access Information:** The emergence of technologies such as the Internet, wireless networks, mobile smart-phones, investigative forensics, satellite and aerial imagery, and distributed remote sensing infrastructure has created powerful new opportunities to advance democracy and human rights. These technologies have fuelled people-powered political movements, made it possible to shine a spotlight on human rights abuses nearly instantaneously, and increased avenues for free speech and unrestricted communication around the world. We support the dissemination and use of these technologies to facilitate freedom of expression, expand access to information, increase governmental transparency and accountability, and counter restrictions on their use. We will also better utilize

such technologies to effectively communicate our own messages to the world."

**Infrastructure:**

"Enhance Security at Home: Security at home relies on our shared efforts to prevent and deter attacks by identifying and interdicting threats, denying hostile actors the ability to operate within our borders, protecting the nation's critical infrastructure and key resources, and securing cyberspace. That is why we are pursuing initiatives to protect and reduce vulnerabilities in critical infrastructure, at our borders, ports, and airports, and to enhance overall air, maritime,

**Physical Geography:**

"Arctic Interests: The United States is an Arctic Nation with broad and fundamental interests in the Arctic region, where we seek to meet our national security needs, protect the environment, responsibly manage resources, account for indigenous communities, support scientific research, and strengthen international cooperation on a wide range of issues."

**Time:**

N/A

### **A.2.30 Overview: Arctic Research and Policy Act of 1984 (1990)**

**Lead Department:** Arctic Research Commission

**Joint:**

None.

**Interagency:**

US Interagency:

#### **SECTION 107 — LEAD AGENCY AND INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE**

(a) The National Science Foundation is designated as the lead agency responsible for implementing

Arctic research policy, and the Director of the National Science Foundation shall insure that the requirements of section 108 are fulfilled.

(b) (1) The President shall establish an Interagency Arctic Research Policy Committee (hereinafter referred to as the "Interagency Committee").

(2) The Interagency Committee shall be composed of representatives of the following Federal agencies or offices:

(A) the National Science Foundation;

(B) the Department of Commerce;

(C) the Department of Defense;

(D) the Department of Energy;

(E) the Department of the Interior;

(F) the Department of State;

(G) the Department of Transportation;

(H) the Department of Health and Human Services;

(I) the National Aeronautics and Space Administration;

(J) the Environmental Protection Agency; and

(K) any other agency or office deemed appropriate. (3) The representative of the National Science Foundation shall serve as the Chairperson of the Interagency Committee.

**Multinational:**

#### **SECTION 102 — FINDINGS AND PURPOSES (Excerpts):**

(a) The Congress finds and declares that-

(1) the Arctic, onshore and offshore, contains vital energy resources that can reduce the Nation's dependence on foreign oil and improve the national balance of payments;

(2) as the Nation's only common border with the Soviet Union, the Arctic is critical to national defense;

(5) industrial pollution not originating in the Arctic region collects in the polar air mass, has the potential to disrupt global weather patterns, and must be controlled through international cooperation and consultation;

(10) most Arctic-rim countries, particularly the Soviet Union, possess Arctic technologies

far more advanced than those currently available in the United States;

(12) improved logistical coordination and support for Arctic research and better dissemination of research data and information is necessary to increase the efficiency and utility of national Arctic research efforts;

(16) Arctic research expands knowledge of the Arctic, which can enhance the lives of Arctic residents, increase opportunities for international cooperation among Arctic-rim countries, and facilitate the formulation of national policy for the Arctic;

**Public:**

**SECTION 102 — FINDINGS AND PURPOSES (Excerpts):**

(a) The Congress finds and declares that-

(1) the Arctic, onshore and offshore, contains vital energy resources that can reduce the Nation's dependence on foreign oil and improve the national balance of payments;

(3) the renewable resources of the Arctic, specifically fish and other seafood, represent one of the Nation's greatest commercial assets;

(14) the Federal Government, in cooperation with State and local governments, should focus its efforts on the collection and characterization of basic data related to biological, materials, geophysical, social, and behavioral phenomena in the Arctic;

(15) research into the long-range health, environmental, and social effects of development in the Arctic is necessary to mitigate the adverse consequences of that development to the land and its residents;

(16) Arctic research expands knowledge of the Arctic, which can enhance the lives of Arctic residents, increase opportunities for international cooperation among Arctic-rim countries, and facilitate the formulation of national policy for the Arctic;

**Political:**

[The focus of the ARPA is on national policy, through interdepartmental means (see "Interagency" section. The policy portion focuses on scientific research policy.)]

SECTION 102 — FINDINGS AND PURPOSES (Excerpt):

(a) The Congress finds and declares that-

(1) the Arctic, onshore and offshore, contains vital energy resources that can reduce the Nation's dependence on foreign oil and improve the national balance of payments;

(2) as the Nation's only common border with the Soviet Union, the Arctic is critical to national defense;

**Military:**

SECTION 102 — FINDINGS AND PURPOSES (Excerpt):

(a) The Congress finds and declares that-

(1) the Arctic, onshore and offshore, contains vital energy resources that can reduce the Nation's dependence on foreign oil and improve the national balance of payments;

(2) as the Nation's only common border with the Soviet Union, the Arctic is critical to national defense;

SECTION 107 — LEAD AGENCY AND INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE

(a) The National Science Foundation is designated as the lead agency responsible for implementing Arctic research policy, and the Director of the National Science Foundation shall insure that the requirements of section 108 are fulfilled.

(b)

(1) The President shall establish an Interagency Arctic Research Policy Committee (hereinafter referred to as the "Interagency Committee").

(2) The Interagency Committee shall be composed of representatives of the following Federal agencies or offices:

(A) the National Science Foundation;

(B) the Department of Commerce;

(C) the Department of Defense;

(D) the Department of Energy;

(E) the Department of the Interior;

(F) the Department of State;

(G) the Department of Transportation;

(H) the Department of Health and Human Services;

(I) the National Aeronautics and Space Administration;

(J) the Environmental Protection Agency; and

(K) any other agency or office deemed appropriate.

(3) The representative of the National Science Foundation shall serve as the Chairperson of the Interagency Committee.

**Economic:**

SECTION 102 — FINDINGS AND PURPOSES (Excerpts):

(a) The Congress finds and declares that-

(1) the Arctic, onshore and offshore, contains vital energy resources that can reduce the Nation's dependence on foreign oil and improve the national balance of payments;

(3) the renewable resources of the Arctic, specifically fish and other seafood, represent one of the Nation's greatest commercial assets;

(4) Arctic conditions directly affect global weather patterns and must be understood in order to promote better agricultural management throughout the United States;

(8) Arctic marine technology is critical to cost-effective recovery, and transportation of energy resources and to the national defense;

(9) the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively in the heavy ice regions of the Arctic;

(14) the Federal Government, in cooperation with State and local governments, should focus its efforts on the collection and characterization of basic data related to biological, materials, geophysical, social, and behavioral phenomena in the Arctic;

(15) research into the long-range health, environmental, and social effects of development in the Arctic is necessary to mitigate the adverse consequences of that development to the land and its residents;

(b) The purposes of this title are-

(1) to establish national policy, priorities, and goals and to provide a Federal program plan for basic and applied scientific research with respect to the Arctic, including natural resources and materials, physical, biological and health sciences, and social and behavioral sciences;

**Social:**

SECTION 102 — FINDINGS AND PURPOSES (Excerpts):

(a) The Congress finds and declares that-

(1) the Arctic, onshore and offshore, contains vital energy resources that can reduce the Nation's dependence on foreign oil and improve the national balance of payments;

(3) the renewable resources of the Arctic, specifically fish and other seafood, represent one of the Nation's greatest commercial assets;

(14) the Federal Government, in cooperation with State and local governments, should focus its efforts on the collection and characterization of basic data related to biological, materials, geophysical, social, and behavioral phenomena in the Arctic;

(15) research into the long-range health, environmental, and social effects of development in the Arctic is necessary to mitigate the adverse consequences of that development to the land and its residents;

(16) Arctic research expands knowledge of the Arctic, which can enhance the lives of

Arctic residents, increase opportunities for international cooperation among Arctic-rim countries, and facilitate the formulation of national policy for the Arctic;

**Information:**

SECTION 108 — DUTIES OF THE INTERAGENCY COMMITTEE

(a) The Interagency Committee shall-

(1) survey Arctic research conducted by Federal State, and local agencies, universities, and other public and private institutions to help determine priorities for future Arctic research, including natural resources and materials, physical and biological sciences, and social and behavioral sciences;

(2) work with the Commission to develop and establish an integrated national Arctic research policy that will guide Federal agencies in developing and implementing their research programs in the Arctic;

(3) consult with the Commission on-

(A) the development of the national Arctic research policy and the 5-year plan implementing the policy;

(B) Arctic research programs of Federal agencies;

© recommendations of the Commission on future Arctic research; and (D) guidelines for Federal agencies for awarding and administering Arctic research grants; (4) develop a 5-year plan to implement the national policy, as provided in section 109;

(5) provide the necessary coordination, data, and assistance for the preparation of a single integrated, coherent, and multiagency budget request for Arctic research as provided for in section 110;

(6) facilitate cooperation between the Federal Government and State and local governments in Arctic research, and recommend the undertaking of neglected areas of research in accordance with the findings and purposes of this title;

(7) coordinate and promote cooperative Arctic scientific research programs with other nations, subject to the foreign policy guidance of the Secretary of State;

(8) cooperate with the Governor of the State of Alaska in fulfilling its responsibilities under this title;

(9) promote Federal interagency coordination of all Arctic research activities, including-

(A) logistical planning and coordination; and

(B) the sharing of data and information associated with Arctic research, subject to section 552 of title 5, United States Code; and (10) provide public notice of its meetings and an opportunity for the public to participate in the development and implementation of national Arctic research policy. (b) Not later than January 31, 1986, and biennially thereafter, the Interagency Committee shall submit to the Congress through the President, a brief, concise report containing-

(1) a statement of the activities and accomplishments of the Interagency Committee since its last report; and

(2) a statement detailing with particularity the recommendations of the Commission with respect to Federal interagency activities in Arctic research and the disposition and responses to those recommendations.



**Infrastructure:**

None.

**Physical Geography:**

SECTION 112 — DEFINITION

As used in this title, the term "Arctic" means all United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering and Chukchi Seas; and the Aleutian chain.

**Time:**

[Though drafted in 1984 with an update in 1990, this legislation has elements that are outdated.]

**A.2.31          Overview:    Outer Continental Shelf Lands Act 1953 (2000)**

**Lead Department:** Department of the Interior

**Joint:**

None.

**Interagency:**

The Act provides for studies and regulations associated with health and safety concerns. With regard to new drilling and production operations and, when practicable, existing operations, the Act requires use of the best and safest technologies available which the Secretary determines to be economically feasible where equipment failure would have a significant effect on safety, health or the environment. The Act outlines the duties of lease and permit holders to maintain safe facilities and operations, allow onsite inspections and access to records, and directs the Secretary, the Secretary of the department in which the Coast Guard is operating, and the Secretary of the Army to enforce safety and environmental regulations adopted pursuant to the Act.

**Multinational:**

None.

**Public:**

None.

**Political:**

"[The act governs the responsibility for safeguarding the OCS, and has potential impact on the determination of sovereign rights in a given area in the Arctic.]

"It is the policy of the U.S. that the subsoil and seabed of the Outer Continental Shelf (OCS) appertain to the U.S. and are subject to its jurisdiction, control and power of disposition, as provided in the Act. The OCS is a vital national resource reserve which should be made available for expeditious and orderly development, subject to environmental safeguards, in a manner consistent with the maintenance of competition and other national needs."

**Military:**

The Act outlines the duties of lease and permit holders to maintain safe facilities and operations, allow onsite inspections and access to records, and directs the Secretary, the Secretary of the department in which the Coast Guard is operating, and the Secretary of the Army to enforce safety and environmental regulations adopted pursuant to the Act.

**Economic:**

[The core of the legislation focuses on US economic interests in the OCS area, specifically with regards to leasing land for natural resource extraction.]

"This Act authorizes the Secretary of the Interior to promulgate regulations to lease the Outer Continental Shelf to prevent waste and conserve natural resources, and to issue leases through competitive bidding. The 1978 amendments provide for cancellation of leases or permits if continued activity is likely to cause serious harm to life, including aquatic life. These amendments also stipulate that economic, social, and environmental values of renewable and non-renewable resources are to be considered in managing the Outer Continental Shelf. The Act provides for management of the area through lessee exploration plans and development and production plans."

**Social:**

[The Act indicates accountability to local interests and to assessing human impact of any lease. DOI and the state are responsible for tracking this impact.]

"The OCS leasing program is to consist of a schedule of proposed lease sales indicating the size, timing and location of leasing activity that the Secretary determines will best meet national energy needs for the 5-year period following approval or reapproval.

**Information:**

None.

**Infrastructure:**

[While not specifically referencing any infrastructure, the Act specifies general infrastructural requirements for any operations in the OCS.]

"Operations in the OCS should be conducted in a safe manner to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health. The Act shall be construed such that the character of the waters above the OCS as high seas and the right to navigation and fishing therein are not affected."

**Physical Geography:**

The program shall be consistent with the following two principles: (1) Management of the OCS shall be conducted in a manner which considers economic, social, and environmental values of the renewable and non-renewable resources contained therein, and the potential impact of oil and gas exploration on other resource "The term "outer Continental Shelf" means all submerged lands lying seaward and outside of the values and the marine, coastal and human environment. "area of lands beneath navigable waters as defined in section 1301 of this title, and of which the subsoil and "Subsequent to the leasing and developing of an area, the Secretary shall monitor the human, seabed marine and coastal environments to provide time-series and data trend information to identify appertain to the United States and are subject to its jurisdiction and control "changes in the environments, establish trends and design experiments to identify the causes of changes. The Secretary must plan and carry out these duties in cooperation with affected states."

**Time:**

None.

## **A.2.32 Overview: Stafford Disaster Relief Emergency Assist Act**

**Lead Department: Department of Homeland Security**

### **Joint:**

"During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of this Act [42 U.S.C. §§ 5170 et seq. or 5191 et seq.], the Governor of the State in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property. If the President determines that such work is essential for the preservation of life and property, the President shall grant such request to the extent the President determines practicable. Such emergency work may only be carried out for a period not to exceed 10 days."

### **Interagency:**

During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of this Act [42 U.S.C. §§ 5170 et seq. or 5191 et seq.], the Governor of the State in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property."

"In providing relief and assistance under this Act, the President may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies, or other items, and in the restoration, rehabilitation, or reconstruction of community services housing and essential facilities, whenever the President finds that such utilization is necessary."

### **Multinational:**

"Delegation of emergency preparedness responsibilities.--With the approval of the President, the Director may delegate to the several departments and agencies of the Federal Government appropriate emergency preparedness responsibilities, and review and coordinate the emergency preparedness activities of the departments and agencies with each other and with the activities of the States and neighboring countries."

"The Director shall give all practicable assistance to States in arranging, through the Department of State, mutual emergency preparedness aid between the States and neighboring countries."

### **Public:**

"Public dissemination of emergency preparedness information.--The Director may publicly disseminate appropriate emergency preparedness information by all appropriate means."

### **Political:**

"Because the Stafford Act provides the President with permanent authority to direct federal aid to stricken states, Congress need not enact new legislation to meet immediate needs." (Taken from CRS, "Federal Stafford Act Disaster Assistance: Presidential Declarations, Eligible Activities, and Funding", 2005)

"Title IV -- Major Disaster Assistance Programs; Sec. 401. Procedure for Declaration (42 U.S.C. 5170): All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As part of such request, and as a prerequisite to major disaster assistance under this Act, the Governor shall take appropriate response action under State law and direct execution of the State's emergency plan. The Governor shall furnish information on the nature and amount of State and local resources which have been or will be committed to alleviating the results of the disaster, and shall certify that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will comply with all applicable cost-sharing requirements of this Act. Based on the request of a Governor under this section, the President may declare under this Act that a major disaster or emergency exists."

### **Military:**

"Sec. 307. Use of Local Firms and Individuals (42 U.S.C. 5150) (a) Contracts or Agreements With Private Entities-(1) In General - In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities which may be carried out by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business primarily in the area affected by such major disaster or emergency.

(2) Construction - This section shall not be considered to restrict the use of Department of Defense resources under this Act in the provision of assistance in a major disaster."

"Sec. 403. Essential Assistance (42 U.S.C. 5170b) (c) Utilization of DOD resources -

(1) General rule - During the immediate aftermath of an incident which may ultimately qualify for assistance under this title or title V of this Act, the Governor of the State in which such incident occurred may request the President to direct the Secretary of Defense to utilize the resources of the Department of Defense for the purpose of performing on public and private lands any emergency work which is made necessary by such incident and which is essential for the preservation of life and property. If the President determines that such work is essential for the preservation of life and property, the President shall grant such request to the extent the President determines practicable. Such emergency work may only be carried out for a period not to exceed 10 days."

### **Economic:**

"Title IV -- Major Disaster Assistance Programs; Sec. 401. Procedure for Declaration (42 U.S.C. 5170):

All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State. Such a request shall be based on a finding that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. As part of such request, and as a prerequisite to major disaster assistance under this Act, the Governor shall take appropriate response action under State law and direct execution of the State's emergency plan. The Governor shall furnish information on the nature and amount of State and local resources which have been or will be committed to alleviating the results of the disaster, and shall certify that, for the current disaster, State and local government obligations and expenditures (of which State commitments must be a significant proportion) will comply with all applicable cost-sharing requirements of this Act. Based on the request of a Governor under this section, the President may declare under this Act that a major disaster or emergency exists."

"DRF expenditures for an emergency are limited to \$5 million per declaration unless the President determines that there is a continuing need; Congress must be notified if the \$5 million ceiling is breached." (CRS, 2005)

### **Social:**

"Sec. 308. Non-discrimination in Disaster Assistance (42 U.S.C. 5151)\*

(a) Regulations for equitable and impartial relief operations - The President shall issue, and may alter and amend, such regulations as may be necessary for the guidance of personnel carrying out Federal assistance functions at the site of a major disaster or emergency. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status."

"Sec. 408. Federal Assistance to Individuals and Households (42 U.S.C. 5174) (a) In General - (1) Provision of assistance - In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means."

### **Information:**

"Sec. 202. Disaster Warnings (42 U.S.C. 5132)

(a) Readiness of Federal agencies to issue warnings to state and local officials - The President shall insure that all appropriate Federal agencies are prepared to issue warnings of disasters to State and local officials.

(b) Technical assistance to State and local governments for effective warnings - The President shall direct appropriate Federal agencies to provide technical assistance to State and local governments to insure that timely and effective disaster warning is provided.

(c) Warnings to governmental authorities and public endangered by disaster - The President is

authorized to utilize or to make available to Federal, State, and local agencies the facilities of the civil defense communications system established and maintained pursuant to section 5196(c) of this title or any other Federal communications system for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters.

(d) Agreements with commercial communications systems for use of facilities - The President is authorized to enter into agreements with the officers or agents of any private or commercial communications systems who volunteer the use of their systems on a reimbursable or non-reimbursable basis for the purpose of providing warning to governmental authorities and the civilian population endangered by disasters."

**Infrastructure:**

[All of the emergency assistance efforts covered under the Stafford Act can be applied to the re-establishment of critical infrastructure.]

**Physical Geography:**

[The Act applied to national incidents, regardless of the physical location.]

**Time:**

Not applicable.



### **A.2.33 Overview: Coastal Zone Management Act**

**Lead Department: National Oceanographic Atmospheric Admin**

**Joint:**

None.

**Interagency:**

"(e) Inland coastal zone boundaries

(1) Review

The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall, within 18 months after November 5, 1990, review the inland coastal zone boundary of each coastal State program which has been approved or is proposed for approval under section 306 of the Coastal Zone Management Act of 1972, and evaluate whether the State's coastal zone boundary extends inland to the extent necessary to control the land and water uses that have a significant impact on coastal waters of the State."

**Multinational:**

"16 U.S.C. § 1456. Coordination and cooperation (Section 307) (e) Construction with other laws Nothing in this chapter shall be construed--

(1) to diminish either Federal or state jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands, or navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more states or of two or more states and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

(2) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

**Public:**

"16 U.S.C. § 1456b. Coastal Zone Enhancement Grants (Section 309)

(a) "Coastal zone enhancement objective" defined

For purposes of this section, the term "coastal zone enhancement objective" means any of the following objectives:

(3) Attaining increased opportunities for public access, taking into account current and future public access needs, to coastal areas of recreational, historical, aesthetic, ecological, or cultural value.

**Political:**

None.

**Military:**

None.

**Economic:**

16 U.S.C. § 1455b. Protecting coastal waters (h) Authorization of appropriations

(1) Administrator

There is authorized to be appropriated to the Administrator for use for carrying out this section not more than \$1,000,000 for each of fiscal years 1992, 1993, and 1994.

**Social:**

None.

**Information:**

None.

**Infrastructure:**

None.

**Physical Geography:**

16 U.S.C. § 1452. Congressional declaration of policy (Section 303)

The Congress finds and declares that it is the national policy--

(1) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations;

(2) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and aesthetic values as well as the needs for compatible economic development, which programs should at least provide for--

(A) the protection of natural resources, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, coral reefs, and fish and wildlife and their habitat, within the coastal zone,

(B) the management of coastal development to minimize the loss of life and property caused by improper development in flood-prone, storm surge, geological hazard, and erosion-prone areas and in areas likely to be affected by or vulnerable to sea level rise, land subsidence, and saltwater intrusion, and by the destruction of natural protective features such as beaches, dunes, wetlands, and barrier islands,

(C) the management of coastal development to improve, safeguard, and restore the quality of coastal waters, and to protect natural resources and existing uses of those waters,

(D) priority consideration being given to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries development, recreation, ports and transportation, and the location, to the maximum extent practicable, of new commercial and industrial developments in or adjacent to areas where such development already exists,

(E) public access to the coasts for recreation purposes,

(F) assistance in the redevelopment of deteriorating urban waterfronts and ports, and sensitive preservation and restoration of historic, cultural, and aesthetic coastal features,

(G) the coordination and simplification of procedures in order to ensure expedited governmental decision-making for the management of coastal resources,

(H) continued consultation and coordination with, and the giving of adequate consideration to the views of, affected Federal agencies,

(I) the giving of timely and effective notification of, and opportunities for public and local government participation in, coastal management decision-making,

(J) assistance to support comprehensive planning, conservation, and management for living marine resources, including planning for the siting of pollution control and aquaculture facilities within the coastal zone, and improved coordination between State and Federal coastal zone management agencies and State and wildlife agencies, and

(K) the study and development, in any case in which the Secretary considers it to be appropriate, of plans for addressing the adverse effects upon the coastal zone of land subsidence and of sea level rise; and

(3) to encourage the preparation of special area management plans which provide for increased specificity in protecting significant natural resources, reasonable coastal-dependent economic growth, improved protection of life and property in hazardous areas, including those areas likely to be affected by land subsidence, sea level rise, or fluctuating water levels of the Great Lakes, and improved predictability in governmental decision-making;

(4) to encourage the participation and cooperation of the public, state and local governments, and interstate and other regional agencies, as well as of the Federal agencies having programs affecting the coastal zone, in carrying out the purposes of this chapter;

(5) to encourage coordination and cooperation with and among the appropriate Federal, State, and local agencies, and international organizations where appropriate, in collection, analysis, synthesis, and dissemination of coastal management information, research results, and technical assistance, to support State and Federal regulation of land use practices affecting the coastal and ocean resources of the United States; and

(6) to respond to changing circumstances affecting the coastal environment and coastal resource management by encouraging States to consider such issues as ocean uses potentially affecting the coastal zone.

(2) Secretary

(A) Of amounts appropriated to the Secretary for a fiscal year under section 318(a)(4) of the Coastal Zone Management Act of 1972, as amended by this Act, not more than \$1,000,000 shall be available for use by the Secretary for carrying out this section for that fiscal year, other than for providing in the form of grants under subsection (f) of this section.

(B) There is authorized to be appropriated to the Secretary for use for providing in the form of grants under subsection (f) of this section not more than--

- (i) \$6,000,000 for fiscal year 1992;
- (ii) \$12,000,000 for fiscal year 1993;
- (iii) \$12,000,000 for fiscal year 1994; and
- (iv) \$12,000,000 for fiscal year 1995.

16 U.S.C. § 1456-1. Authorization of the Coastal and Estuarine Land Conservation Program  
(Section 307a) (I) Authorization of appropriations

There are authorized to be appropriated to the Secretary to carry out this section \$60,000,000 for each of fiscal years 2009 through 2013.

**Time:**

None.

## **A.2.34 Overview: Oil Pollution Act**

**Lead Department:** Environmental Protection Agency

### **Joint:**

None.

### **Interagency:**

[US Coast Guard play key role in the prevention and response throughout the Act, and share responsibility for overseeing response teams with the EPA]

### **Multinational:**

"SEC. 3001. SENSE OF CONGRESS REGARDING PARTICIPATION IN INTERNATIONAL REGIME.

It is the sense of the Congress that it is in the best interests of the United States to participate in an international oil pollution liability and compensation regime that is at least as effective as Federal and State laws in preventing incidents and in guaranteeing full and prompt compensation for damages resulting from incidents."

"SEC. 3002. UNITED STATES-CANADA GREAT LAKES OIL SPILL COOPERATION.

(a) REVIEW.—The Secretary of State shall review relevant international agreements and treaties with the Government of Canada, including the Great Lakes Water Quality Agreement, to determine whether amendments or additional international agreements are necessary to—

- (1) prevent discharges of oil on the Great Lakes;
- (2) ensure an immediate and effective removal of oil on the Great Lakes; and
- (3) fully compensate those who are injured by a discharge of oil on the Great Lakes."

"SEC. 3003. UNITED STATES-CANADA LAKE CHAMPLAIN OIL SPILL COOPERATION.

(a) REVIEW.—The Secretary of State shall review relevant international agreements and treaties with the Government of Canada, to determine whether amendments or additional international agreements are necessary to—

- (1) prevent discharges of oil on Lake Champlain;
- (2) ensure an immediate and effective removal of oil on Lake Champlain; and
- (3) fully compensate those who are injured by a discharge of oil on Lake Champlain."

"SEC. 3004. INTERNATIONAL INVENTORY OF REMOVAL EQUIPMENT AND PERSONNEL.

The President shall encourage appropriate international organizations to establish an international inventory of spill removal equipment and personnel."

"SEC. 3005. NEGOTIATIONS WITH CANADA CONCERNING TUG ESCORTS IN PUGET SOUND.

Congress urges the Secretary of State to enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank vessels with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca and in Haro Strait."

### **Public:**

"SEC. 1006. NATURAL RESOURCES

(b) DESIGNATION OF TRUSTEES.— (1) IN GENERAL.—The President, or the authorized representative of any State, Indian tribe, or foreign government, shall act on behalf of the public, Indian tribe, or foreign country as trustee of natural resources to present a claim for and to recover damages to the natural resources."

**Political:**

[Responsibilities lay with both federal and state representatives.]

**Military:**

None.

**Economic:**

"SEC. 1002. ELEMENTS OF LIABILITY. (a) IN GENERAL.—Notwithstanding any other provision or rule of law, and subject to the provisions of this Act, each responsible party for a vessel or a facility from which oil is discharged, or which poses the substantial threat of a discharge of oil, into or upon the navigable waters or adjoining shorelines or the exclusive economic zone is liable for the removal costs and damages specified in subsection (b) that result from such incident."

**Social:**

"SEC. 1006. NATURAL RESOURCES. (c) FUNCTIONS OF TRUSTEES.—(5) NOTICE AND OPPORTUNITY TO BE

HEARD.—Plans shall be developed and implemented under this section only after adequate public notice, opportunity for a hearing, and consideration of all public comment."

**Information:**

"SEC. 4118. VESSEL COMMUNICATION EQUIPMENT REGULATIONS.

The Secretary shall, not later than one year after the date of the enactment of this Act, issue regulations necessary to ensure that vessels subject to the Vessel Bridge-to-Bridge Radiotelephone

Act of 1971 (33 U.S.C. 1203) are also equipped as necessary to—

- (1) receive radio marine navigation safety warnings; and
- (2) engage in radio communications on designated frequencies with the Coast Guard, and such other vessels and stations as may be specified by the Secretary."

**Infrastructure:**

"SEC. 1004. LIMITS ON LIABILITY. (d) ADJUSTING LIMITS OF LIABILITY.—

(1) ONSHORE FACILITIES.—Subject to paragraph (2), the President may establish by regulation, with respect to any class or category of onshore facility, a limit of liability under this section of less than \$350,000,000, but not less than \$8,000,000, taking into account size, storage capacity, oil throughput, proximity to sensitive areas, type of oil handled, history of discharges, and other factors relevant to risks posed by the class or category of facility."

**Physical Geography:**

"SEC. 1006. NATURAL RESOURCES. (a) LIABILITY.—In the case of natural resource damages undersection 1002(b)(2)(A), liability shall be—

- (1) to the United States Government for natural resources belonging to, managed by, controlled

by, or appertaining to the United States;

(2) to any State for natural resources belonging to, managed by, controlled by, or appertaining to such State or political subdivision thereof;

(3) to any Indian tribe for natural resources belonging to, managed by, controlled by, or appertaining to such Indian tribe; and

(4) in any case in which section 1007 applies, to the government of a foreign country for natural resources belonging to, managed by, controlled by, or appertaining to such country."

**Time:**

None.

## **A.2.35 Overview: US National Response Framework**

**Lead Department:** Department of Homeland Security

### **Joint:**

None.

### **Interagency:**

"When the overall coordination of Federal response activities is required, it is implemented through the Secretary of Homeland Security consistent with Homeland Security Presidential Directive (HSPD). Other Federal departments and agencies carry out their response authorities and responsibilities within this overarching construct."

"National Defense and Defense Support of Civil Authorities. The primary mission of the Department of Defense (DOD) and its components is national defense. Because of this critical role, resources are committed after approval by the Secretary of Defense or at the direction of the President. Many DOD components and agencies are authorized to respond to save lives, protect property and the environment, and mitigate human suffering under imminently serious conditions, as well as to provide support under their separate established authorities, as appropriate. The provision of defense support is evaluated by its legality, lethality, risk, cost, appropriateness, and impact on readiness. When Federal military and civilian personnel and resources are authorized to support civil authorities, command of those forces will remain with the Secretary of Defense. DOD elements in the incident area of operations and National Guard forces under the command of a Governor will coordinate closely with response organizations at all levels."

### **Multinational:**

"International Coordination. The Secretary of State is responsible for managing international preparedness, response, and recovery activities relating to domestic incidents and the protection of U.S. citizens and U.S. interests overseas."

### **Public:**

"Individuals and Households. Although not formally a part of emergency management operations, individuals and households play an important role in the overall emergency management strategy."

"Private Sector. Private sector organizations play a key role before, during, and after an incident. First, they must provide for the welfare and protection of their employees in the workplace. In addition, emergency managers must work seamlessly with businesses that provide water, power, communication networks, transportation, medical care, security, and numerous other services upon which both response and recovery are particularly dependent."

"Nongovernmental Organizations. NGOs play enormously important roles before, during, and after an incident. For example, NGOs provide sheltering, emergency food supplies, counselling services, and other vital support services to support response and promote the recovery of



disaster victims.

These groups often provide specialized services that help individuals with special needs, including those with disabilities."

"Volunteers and Donations. Responding to incidents frequently exceeds the resources of government organizations. Volunteers and donors can support response efforts in many ways, and it is essential that governments at all levels plan ahead to effectively incorporate volunteers and donated goods into their response activities."

### **Political:**

Coordination of Federal Responsibilities. The President leads the Federal Government response effort to ensure that the necessary coordinating structures, leadership, and resources are applied quickly and efficiently to large-scale and catastrophic incidents. The President's Homeland Security Council and National Security Council, which bring together Cabinet officers and other department or agency heads as necessary, provide national strategic and policy advice to the President during large-scale incidents that affect the Nation.

### **Military:**

"National Defense and Defense Support of Civil Authorities. The primary mission of the Department of Defense (DOD) and its components is national defense. Because of this critical role, resources are committed after approval by the Secretary of Defense or at the direction of the President. Many DOD components and agencies are authorized to respond to save lives, protect property and the environment, and mitigate human suffering under imminently serious conditions, as well as to provide support under their separate established authorities, as appropriate. The provision of defense support is evaluated by its legality, lethality, risk, cost, appropriateness, and impact on readiness. When Federal military and civilian personnel and resources are authorized to support civil authorities, command of those forces will remain with the Secretary of Defense. DOD elements in the incident area of operations and National Guard forces under the command of a Governor will coordinate closely with response organizations at all levels."

"In addition to these actions, the Governor may activate elements of the National Guard. The National Guard is a crucial State resource, with expertise in communications, logistics, search and rescue, and decontamination. National Guard forces employed under State Active Duty or Title 32 status are under the command and control of the Governor of their State and are not part of Federal military response efforts.

Title 32 Full-Time National Guard Duty refers to Federal training or other duty, other than inactive duty, performed by a member of the National Guard. Title 32 is not subject to posse comitatus restrictions<sup>28</sup> and allows the Governor, with the approval of the President or the Secretary of Defense, to order a Guard member to duty to:

- Perform training and other operational activities.
- Conduct homeland defense activities for the military protection of the territory or domestic

population of the United States, or of the infrastructure or other assets of the United States determined by the Secretary of Defense to be critical to national security, from a threat or aggression against the United States.

In rare circumstances, the President can federalize National Guard forces for domestic duties under Title 10 (e.g., in cases of invasion by a foreign nation, rebellion against the authority of the United States, or where the President is unable to execute the laws of the United States with regular forces (10 U.S.C. 12406)). When mobilized under Title 10 of the U.S. Code, the forces are no longer under the command of the Governor. Instead, the Department of Defense assumes full responsibility for all aspects of the deployment, including command and control over National Guard forces."

"National Military Command Center (NMCC). The NMCC is the Nation's focal point for continuous monitoring and coordination of worldwide military operations. It directly supports combatant commanders, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the President in the command of U.S. Armed Forces in peacetime contingencies and war. Structured to support the President and Secretary of Defense effectively and efficiently, the Center participates in a wide variety of activities, ranging from missile warning and attack assessment to management of peacetime contingencies such as Defense Support of Civil Authorities (DSCA) activities. In conjunction with monitoring the current worldwide situation, the Center alerts the Joint Staff and other national agencies to developing crises and will initially coordinate any military response required."

"ESF #3 – Public Works and Engineering. ESF Coordinator: Department of Defense (U.S. Army Corps of Engineers)"

"Defense Coordinating Officer (DCO). DOD has appointed 10 DCOs and assigned one to each FEMA region. If requested and approved, the DCO serves as DOD's single point of contact at the JFO for requesting assistance from DOD. With few exceptions, requests for Defense Support of Civil Authorities (DSCA) originating at the JFO are coordinated with and processed through the DCO. The DCO may have a Defense Coordinating Element consisting of a staff and military liaison officers to facilitate coordination and support to activated ESFs.

Specific responsibilities of the DCO (subject to modification based on the situation) include processing requirements for military support, forwarding mission assignments to the appropriate Federal disaster assistance is often thought of as synonymous with Presidential declarations and military organizations through DOD-designated channels, and assigning military liaisons, as the Stafford Act. The fact is that Federal assistance can be provided to State, tribal, and local jurisdictions, and to other Federal departments and agencies, in a number of different ways through various mechanisms and authorities.

**Economic:**

"Private-sector organizations may be impacted by direct or indirect consequences of the incident. These include privately owned critical infrastructure, key resources, and other private-sector entities that are significant to local, regional, and national economic recovery from the incident. Examples of privately owned infrastructure include transportation, telecommunications, private utilities, financial institutions, and hospitals. Critical infrastructure and key resources (CIKR) are grouped into 17 sectors that together provide essential functions and services supporting various aspects of the American government, economy, and society."

**Social:**

"Any incident can have a mix of public health, economic, social, environmental, criminal, and political implications with potentially serious long-term effects. Significant incidents require a coordinated response across agencies and jurisdictions, political boundaries, sectors of society, organizations, etc. These incidents will require that publicly elected and appointed officials, as well as business owners and community leaders, make difficult decisions for the benefit of the community as a whole."

"ESF #14 – Long-Term Community Recovery. ESF Coordinator: DHS (FEMA). ESF activities include:

- Social and economic community impact assessment
- Long-term community recovery assistance to States, tribes, local governments, and the private

**Information:**

"Local, tribal, State, and Federal jurisdictions need to establish a common understanding of the capabilities of distinct types of response equipment. This facilitates planning before an incident, as well as rapid scaling and flexibility in meeting the needs of an incident. A critical component of preparedness is the acquisition of equipment that will perform to established standards, including the capability to be interoperable with equipment used by other jurisdictions and/or participating organizations."

### **Infrastructure:**

"Private-sector organizations play an essential role in protecting critical infrastructure systems and implementing plans for the rapid restoration of normal commercial activities and critical infrastructure. When the overall coordination of Federal response activities is required, it is implemented through infrastructure operations in the event of disruption. The protection of critical infrastructure and the Secretary of Homeland Security consistent with Homeland Security Presidential Directive (HSPD) ability to rapidly restore normal commercial activities can mitigate the impact of an incident...

5. Other Federal departments and agencies carry out their response authorities and improve the quality of life of individuals, and accelerate the pace of recovery for communities and responsibilities within this overarching construct. Nothing in this Framework alters or impedes the Nation. There are not-for-profit owners/operators of critical infrastructure and key resources ability of Federal, State, tribal, or local departments and agencies to carry out their specific (CIKR) facilities, notably in healthcare and power generation."

Many private-sector organizations are responsible for operating and maintaining portions of the Nation's critical infrastructure. Critical infrastructures include those assets, systems, networks, and functions – physical or virtual – so vital to the United States that their incapacitation or destruction would have a debilitating impact on security, national economic security, public health or safety, or any combination of those matters. Key resources are publicly or privately controlled resources essential to minimal operation of the economy and the government.<sup>14</sup> DHS has developed a comprehensive National Infrastructure Protection Plan (NIPP) that is synchronized with this Framework.<sup>15</sup> The CIKR Support Annex discusses necessary support by and for CIKR during an incident and mechanisms in place to implement that support."

### **Physical Geography:**

"Pre-Positioned Resources. Since virtually all incidents are local in nature, resources should be positioned close to those localities most at risk for particular types of events. For example, the Federal Government pre-positions resource stockpiles to leverage the geographic distribution of Federal regional, district, and field offices across the country. Additionally, federally administered response networks such as the National Urban Search and Rescue Response System and the National Disaster Medical System utilize locally sponsored resources to enhance Federal response efforts, reduce response times, and strengthen preparedness in their communities."

"U.S. Territories. Within the Framework, U.S. territories use the same incident management and response structures and mechanisms as State governments for requesting and receiving Federal assistance. Territories pose special response challenges. Working in partnership with territorial governments, the Framework is adapted to meet these geographic challenges through preparedness plans and pre-staging of assets"

### **Time:**

Effective as of 22 March 2008.

### **A.2.36 Overview: US National Search and Rescue Plan (2007)**

**Lead Department: US Coast Guard Service**

#### **Joint:**

(p. 16) Cooperative arrangements involving US Department of Defense and US Coast Guard commands should provide for the fullest practicable use of their facilities for civil SAR on a non-interference basis with primary military duties, consistent with statutory responsibilities and authorities and assigned agency functions.

#### **Interagency:**

(p. 10) Negotiation and conclusion of SAR Agreements should consider matters such as:

- a. Which authorities of the Government, agencies, or organizations concerned should be involved with the agreement;
- b. Which types of civil SAR operations (e.g., aeronautical, maritime, etc.) or SAR support functions should be included within the scope of the agreement;
- c. Consistency with international and domestic civil SAR principles or policies;
- d. Establishment of lines separating SRRs if relevant;
- e. Whether other treaties, agreements, etc., exist which should be superseded or accounted for in preparation of a new agreement; and
- f. Relevant guidance of the IAMSAR Manual, NSS, and other pertinent directives.

Participants which develop any agreement concerning civil SAR shall ensure that such efforts are coordinated with other interested Participants. Any such international agreement may not be signed or otherwise concluded without prior consultation with the Secretary of State.

#### **Multinational:**

(p. 9) To the extent the Participants have the authority to do so, they may maintain liaison and cooperate with authorities of other nations that have comparable responsibilities for providing civil SAR services. Such cooperation should be carried out in coordination with the United States SAR Coordinators, and with other neighboring SAR authorities that might be affected, as appropriate. When such coordination deals substantially with matters relating to actual conduct of civil SAR operations, it should normally include United States Coast Guard Headquarters, Office of Search and Rescue, in order to ensure consistency with United States obligations under international agreements to which the United States is a Party, and compliance with the IAMSAR Manual and other international guidance relevant to implementing such agreements.

(p. 10) Any International SAR Agreement must be signed in consultation with the Secretary of State.

(p. 8) The US Department of State represents the US at international forums; however, they often designate USCG, FAA, NOAA, or DOD (Air Force) to represent at ICAO and IMO meetings.

#### **Public:**

(p. 16) To optimize delivery of efficient and effective services, and, where practicable and

consistent with agency authorities, provide organizations and persons interested in supporting these services the opportunity to do so, all available resources will be used for civil SAR. Certain state and local governments, civil and volunteer organizations, and private enterprises have facilities that contribute to the effectiveness of the over-all civil SAR network, although they are not Participants to this Plan. To help identify, locate and quantify primary civil SAR facilities, Participants may designate facilities which meet international standards for equipment and personnel training as "SAR units" (SRUs). (Such facilities do not need to be dedicated exclusively to the associated type of operations, and this designation is not intended to preclude use of other resources.)

### **Political:**

(p. 13) Participants will seek to keep political, economic, jurisdictional, or other such factors secondary when dealing with lifesaving matters.

(p. 8) The US Department of State represents the US at international forums; however, they often designate USCG, FAA, NOAA, or DOD (Air Force) to represent at ICAO and IMO meetings.

(p. 10) Any International SAR Agreement must be signed in consultation with the Secretary of State.

(p. 10) Policies on rendering assistance in foreign territories or territorial waters must balance concerns for saving lives, sovereignty and national security. Provisions for territorial entry, as necessary, should be addressed in international civil SAR agreements; care should be taken to ensure that such agreements are compatible with national policies in this regard.

(p. 15) US SAR Coordinators will delegate to their RCCs the authority to:

- a. Request assistance via other RCCs/RSCs including those of other nations;
- b. Promptly respond to requests for assistance from other RCCs/RSCs, including those of other nations as discussed below;
- c. Grant permission for entry into the United States of civil SAR facilities of other countries; and
- d. Make arrangements with appropriate customs, immigration, health or other authorities to expedite entry of foreign civil SAR facilities as appropriate.

(p. 15) US SAR Coordinators will authorize their RCCs to arrange promptly, or in advance, for entry of foreign rescue units into the United States should it ever become necessary. Such arrangements should involve appropriate United States authorities as well as proper authorities of the nation or SAR facility involved with the entry. Such entry may include overflight or landing of SAR aircraft and similar accommodation of surface (land or water) civil SAR units as circumstances dictate. Such entry can be for the purpose of fuelling, medical, delivery of survivors, or other appropriate and available operational support, or it could also be in response to a request from a United States RCC to the RCC of another nation for assistance of those facilities.

### **Military:**

(p. 8) Participants, consistent with their capabilities and legal authority, will support another country's SAR operations in territorial and international waters beyond recognized United States aeronautical and maritime SRRs. As appropriate, and within their capabilities, DOD combatant commanders should provide such support within their respective geographic areas of responsibility.

### **Economic:**

(p. 13) In accordance with customary international law, when a nation requests help from another nation to assist person(s) in danger or distress, if such help is provided, it will be accomplished voluntarily; the United States will neither request nor pay reimbursement costs for such assistance.

(p. 13) Participants will seek to keep political, economic, jurisdictional, or other such factors secondary when dealing with lifesaving matters.

### **Social:**

(p. 1) This Plan continues, by interagency agreement, the effective use of all available resources in all types of civil SAR missions to enable the United States to satisfy its humanitarian, and national and international legal obligations.

### **Information:**

(p. 14) All aeronautical and maritime civil SAR personnel should be generally familiar with IMO's International Convention on Maritime Search and Rescue, ICAO's Convention on International Civil Aviation, Annex 12 ("Search and Rescue"), the joint ICAO-IMO IAMSAR Manual, the NSS, and other primary directives or applicable information.

### **Infrastructure:**

N/A

### **Physical Geography:**

(p. 6) United States SAR Coordinators, as designated in this Plan, are responsible for arranging civil SAR services and establishing RCCs for their respective SRRs; these RCCs must be staffed with trained personnel on a 24-hour basis. The United States civil SAR system becomes integrated into the global SAR system by establishing recognized SRRs and RCCs which comply with international standards. The geographic areas for which civil SAR Coordinators are responsible are assigned in the Section of this Plan on "SAR Responsibilities" below. SAR Coordinators are responsible for all the types of civil SAR services covered by this Plan (see paragraph 45) relevant to their respective SRRs.

### **Time:**

(p. 7) Incidents of National Significance: Participants may use their specialized capabilities to support civil SAR or other operations associated with an Incident of National Significance when the NRP is implemented with lifesaving efforts normally having priority over all other activities.

- (p. 10) Bilateral or multilateral SAR agreements with other United States agencies or organizations, or with international authorities or organizations of other nations, may be of practical value for SAR by:
- a. Helping to fulfill United States domestic or international obligations and needs;
  - b. Enabling more effective use of all available SAR resources;
  - c. Better integration of United States civil SAR services within the global SAR system;
  - d. Building mutual commitment to support civil SAR;
  - e. Resolving civil SAR procedures and sensitive matters in advance of time-critical distress situations; and
  - f. Identifying types of cooperative matters and efforts which may enhance or support civil SAR operations (i.e., access to medical or fueling facilities, training and exercises, meetings, information exchanges, use of communications capabilities and joint research and development projects, etc.).



## **A.2.37 Overview: US Maritime Transportation Security Act (2002)**

**Lead Department: Department of Transport**

### **Joint:**

N/A

### **Interagency:**

FACILITY AND VESSEL RESPONSE PLANS.—The Secretary shall—

(a) (1) establish security incident response plans for vessels and facilities that may be involved in a transportation security incident; and

(2) make those plans available to the Director of the Federal Emergency Management Agency for inclusion in the Director's response plan for United States ports and waterways.

(b) CONTENTS.—Response plans developed under subsection (a) shall provide a comprehensive response to an emergency, including notifying and coordinating with local, State, and Federal authorities, including the Director of the Federal Emergency Management Agency, securing the facility or vessel, and evacuating facility and vessel personnel.

70106. Maritime safety and security teams

“(a) IN GENERAL.—To enhance the domestic maritime security capability of the United States, the Secretary shall establish such maritime safety and security teams as are needed to safeguard the public and protect vessels, harbors, ports, facilities, and cargo in waters subject to the jurisdiction of the United States from destruction, loss or injury from crime, or sabotage due to terrorist activity, and to respond to such activity in accordance with the transportation security plans developed under section 70103.

“(b) MISSION.—Each maritime safety and security team shall be trained, equipped, and capable of being employed to—

“(1) deter, protect against, and rapidly respond to threats of maritime terrorism;

“(2) enforce moving or fixed safety or security zones established pursuant to law;

“(3) conduct high speed intercepts;

“(4) board, search, and seize any article or thing on or at, respectively, a vessel or facility found to present a risk to the vessel or facility, or to a port;

“(5) rapidly deploy to supplement United States armed forces domestically or overseas;

“(6) respond to criminal or terrorist acts within a port so as to minimize, insofar as possible, the disruption caused by such acts;

“(7) assist with facility vulnerability assessments required under this chapter; and “(8) carry out other security missions as are assigned to it by the Secretary.

“© COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.

### **Multinational:**

70108. Foreign port assessment

“(a) IN GENERAL.—The Secretary shall assess the effectiveness of the antiterrorism measures maintained at—

“(1) a foreign port—  
“(A) served by vessels documented under chapter 121 of this title; or  
“(B) from which foreign vessels depart on a voyage to the United States; and  
“(2) any other foreign port the Secretary believes poses a security risk to international maritime commerce.  
“(b) PROCEDURES.—In conducting an assessment under subsection (a), the Secretary shall assess the effectiveness of—  
“(1) screening of containerized and other cargo and baggage;  
“(2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;  
“(3) additional security on board vessels;  
“(4) licensing or certification of compliance with appropriate security standards;  
“(5) the security management program of the foreign port; and  
“(6) other appropriate measures to deter terrorism against the United States.  
“(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with—  
“(1) the Secretary of Defense and the Secretary of State—  
“(A) on the terrorist threat that exists in each country involved; and Regulations.  
“(B) to identify foreign ports that pose a high risk of introducing terrorism to international maritime commerce;  
“(2) the Secretary of the Treasury;  
“(3) appropriate authorities of foreign governments; and  
“(4) operators of vessels.

#### 70109. Notifying foreign authorities

“(a) IN GENERAL.—If the Secretary, after conducting an assessment under section 7010, finds that a port in a foreign country does not maintain effective antiterrorism measures, the Secretary shall notify the appropriate authorities of the government of the foreign country of the finding and recommend the steps necessary to improve the antiterrorism measures in use at the port.

“(b) TRAINING PROGRAM.—The Secretary, in cooperation with the Secretary of State, shall operate a port security training program for ports in foreign countries that are found under section 70108 to lack effective antiterrorism measures.

#### 70110. Actions when foreign ports not maintaining effective antiterrorism measures “(a) IN GENERAL.—If the Secretary finds that a foreign port does not maintain effective antiterrorism measures, the Secretary—

“(1) may prescribe conditions of entry into the United States for any vessel arriving from that port, or any vessel carrying cargo or passengers originating from or trans-shipped through that port;  
“(2) may deny entry into the United States to any vessel that does not meet such conditions.  
“(3) shall provide public notice for passengers of the ineffective antiterrorism measures

#### **Public:**

N/A

### **Political:**

On April 27, 1999, the President established the Interagency Commission on Crime and Security in United States Ports to undertake a comprehensive study of the nature and extent of the problem of crime in our ports, as well as the ways in which governments at all levels are responding. The Commission concluded that frequent crimes in ports include drug smuggling, illegal car exports, fraud, and cargo theft. Internal conspiracies are an issue at many ports and contribute to Federal crime. Criminal organizations are exploiting weak security at ports to commit a wide range of cargo crimes. Intelligence and information sharing among law enforcement agencies needs to be improved and coordinated at many ports.

### **Military:**

SEC. 503. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 45,500 as of September 30, 2003.

### **Economic:**

SEC. 101. FINDINGS (2002)

The Congress makes the following findings:

- (1) There are 361 public ports in the United States that are an integral part of our Nation's commerce.
- (2) United States ports handle over 95 percent of United States overseas trade. The total volume of goods imported and exported through ports is expected to more than double over the next 20 years.
- (3) The variety of trade and commerce carried out at ports includes bulk cargo, containerized cargo, passenger transport and tourism, and intermodal transportation systems that are complex to secure.
- (4) The United States is increasingly dependent on imported energy for a substantial share of its energy supply, and a disruption of that share of supply would seriously harm consumers and our economy.
- (5) The top 50 ports in the United States account for about 90 percent of all the cargo tonnage. Twenty-five United States ports account for 98 percent of all container shipments. Cruise ships visiting foreign destinations embark from at least 16 ports. Ferries in the United States transport 113,000,000 passengers and 32,000,000 vehicles per year.
- (6) Ports often are a major locus of Federal crime, including drug trafficking, cargo theft, and smuggling of contraband and aliens.
- (7) Ports are often very open and exposed and are susceptible to large scale acts of terrorism that could cause a large loss of life or economic disruption.
- (8) Current inspection levels of containerized cargo are insufficient to counter potential security risks. Technology is currently not adequately deployed to allow for the nonintrusive inspection of containerized cargo.
- (9) The cruise ship industry poses a special risk from a security perspective.

**Social:**

N/A

**Information:**

70113. Maritime intelligence

“(a) IN GENERAL.—The Secretary shall implement a system to collect, integrate, and analyze information concerning vessels operating on or bound for waters subject to the jurisdiction of the United States, including information related to crew, passengers, cargo, and intermodal shipments.

“(b) CONSULTATION.—In developing the information system under subsection (a), the Secretary shall consult with the Transportation Security Oversight Board and other departments and agencies, as appropriate.

“(c) INFORMATION INTEGRATION.—To deter a transportation security incident, the Secretary may collect information from public and private entities to the extent that the information is not provided by other Federal departments and agencies.

**Infrastructure:**

70114. Automatic identification systems

SYSTEM REQUIREMENTS.—(1) Subject to paragraph (2), the following vessels, while operating on the navigable waters of the United States, shall be equipped with and operate an automatic identification system under regulations prescribed by the Secretary.

70115. Long-range vessel tracking system

The Secretary may develop and implement a long-range automated vessel tracking system for all vessels in United States waters that are equipped with the Global Maritime Distress and Safety System or equivalent satellite technology. The system shall be designed to provide the Secretary the capability of receiving information on vessel positions at interval positions appropriate to deter transportation security incidents. The Secretary may use existing maritime organizations to collect and monitor tracking information under the system.

**Physical Geography:**

SEC. 429. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement, or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbour tugs unless and until the Commandant certifies in writing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that sufficient replacement capability has been procured by the Coast Guard to remediate any degradation in current icebreaking services that would be caused by such decommissioning.

**Time:**

N/A

## **A.2.38 Overview: U.S. Coast Guard Strategy**

**Lead Department: US Coast Guard Service**

### **Joint:**

Integrating Coast Guard capabilities for national defense: The nation needs both U.S. Navy and Coast Guard capabilities along its own coasts, on the high seas, and deployed abroad in support of U.S. national security interests. Coast Guard assets should be ready to serve in support of the Combatant Commanders and the

National Military Strategy (NMS). To achieve this, the Coast Guard will better integrate its capabilities with DoD and optimize its forces within a Navy/Coast Guard relationship. This will build upon the “National Fleet” model and support the NMS as well as the NSMS and its subordinate plans.

### **Interagency:**

Strengthening regimes for the U.S. maritime domain: The nation needs a set of coordinated and interlocking domestic and international regimes that increase transparency of activity, reduce risk, and balance competing uses within the maritime domain. The Coast Guard will work with Department of Homeland Security (DHS), interagency partners, U.S. maritime stakeholders, and the international community to update and strengthen existing maritime regimes and put in place new regimes where needed to address emerging challenges and threats.

The nation needs a greater awareness and effective understanding of maritime activity. The Coast Guard will work with the Department of Defense (DoD), U.S. interagency partners, state and local governments, the private sector, and the international community.

The Coast Guard’s Maritime Security Role: The Coast Guard will work with federal, state, and local agencies and with the private sector to protect the maritime domain, deny its use by terrorists, prepare for and respond to attacks and minimize any consequences, and ensure the continued vitality of U.S. national interests within the maritime domain.

### **Multinational:**

Strengthening regimes for the U.S. maritime domain: The nation needs a set of coordinated and interlocking domestic and international regimes that increase transparency of activity, reduce risk, and balance competing uses within the maritime domain. The Coast Guard will work with Department of Homeland Security (DHS), interagency partners, U.S. maritime stakeholders, and the international community to update and strengthen existing maritime regimes and put in place new regimes where needed to address emerging challenges and threats.

Focusing international engagement on improving maritime governance: The nation benefits from strong maritime relationships and capacities around the world, because today’s global maritime system ties U.S. interests and welfare to the effective maritime governance of all nations and the global commons. The Coast Guard will focus its international efforts to assist maritime organizations and partner nations in building the sustainable regimes, awareness, and operational capabilities necessary to improve the governance of the global maritime domain.

**Public:**

Enhancing unity of effort in maritime planning and operations: The nation must better integrate its operational capabilities and efforts across government and with private sector partners. To support this, the Coast Guard will improve its integrated planning with all partners, its network of command and control centers, and its operational capabilities.

Because the marine industry is dynamic and varies in complexity and operations from port to port, the Coast Guard must engage with the private sector to build regional and national level recovery constructs that fully integrate public and private entities.

### **Political:**

The distinction between terrorism and criminal activities is blurring as extremist groups attempt to support their objectives through other criminal enterprises. For example, maritime smuggling can be a more secure avenue than land routes as a channel for weapons, explosives, and lucrative contraband. Terrorists may seek to exploit established smuggling routes, methods, and organizations in an attempt to smuggle weapons and cash, and enter the United States or its territories clandestinely. The criminal financial gains from drug trafficking, piracy, and other criminal enterprises also offer a potential source of funding for terrorists.

In ocean policy, the U.S. needs integrated regimes that address concerns ranging from increased use of the EEZ to new uses of the Arctic. To fill these gaps and create a more integrated system, the Coast Guard must work to strengthen existing maritime regimes, and develop new ones where necessary.

### **Military:**

The Coast Guard's multi-mission character is defined by its ability to conduct distinct yet complementary functions in the maritime domain—law enforcement, national defense, mobility, maritime safety, environmental protection, and humanitarian response. This unique character positions the Coast Guard to meet a broad range of national interests within the maritime domain.

The Coast Guard secures the nation's vast maritime border while ensuring the safe and efficient transportation of people and goods. It protects the marine environment and guards natural resources. It defends the nation at home and abroad alongside the other Armed Services. And it saves the lives of those in distress, both at sea and ashore.

Integrating Coast Guard capabilities for national defense: The nation needs both U.S. Navy and Coast Guard capabilities along its own coasts, on the high seas, and deployed abroad in support of U.S. national security interests. Coast Guard assets should be ready to serve in support of the Combatant Commanders and the National Military Strategy (NMS). To achieve this, the Coast Guard will better integrate its capabilities with DoD and optimize its forces within a Navy/Coast Guard relationship. This will build upon the "National Fleet" model and support the NMS as well as the NSMS and its subordinate plans.

### **Economic:**

The nation's prosperity relies on the balanced and sustainable use of inland, coastal, and ocean waters and resources. The foundation for this prosperity—an efficient, resilient MTS—must be maintained in order to facilitate maritime mobility and protect the nation's economy. At the same time, the marine environment must be protected against threats from pollution, environmental degradation, the spread of invasive species, and the illegal harvesting of marine resources.

The Coast Guard, in coordination with other federal and state agencies, enforces marine resource management and protection regimes that preserve healthy stocks of fish and other living marine resources. Fisheries protection requires oversight and presence throughout and beyond the U.S.

Exclusive Economic Zone. The Coast Guard patrols these ocean regions to uphold U.S. sovereignty and protect marine resources.

### **Social:**

The Coast Guard works to keep the nation's waters free of oil, chemicals, other marine pollution, and invasive species. Prevention strategies are foremost among the Coast Guard's environmental initiatives, but stewardship of the marine environment also requires education, surveillance, interception, inspection, investigation, enforcement, and contingency planning. In the event of a spill, the Coast Guard coordinates response activities as the Federal On-Scene Coordinator (FOSC) for the Coastal Zone. Achieving Awareness in the Maritime Domain: The nation needs a greater awareness and effective understanding of maritime activity. The Coast Guard will work with the Department of Defense (DoD), U.S. interagency partners, state and local governments, the private sector, and the international community to implement the National Plan to Achieve Maritime Domain Awareness as intended by the National Strategy for Maritime Security (NSMS).

For vessels beyond the U.S. maritime domain, the Coast Guard is working with the International Maritime Organization (IMO) to develop a global Long Range Identification Tracking (LRIT) scheme that will provide information on ships of 300 gross tons and above operating within 1,000 nautical miles of the United States. Developing a national capacity for Marine Transportation System recovery: The nation needs a coordinated, integrated approach to planning for and responding to major disruptions in the MTS. To support the NSMS and its Maritime Infrastructure Recovery Plan (MIRP), the Coast Guard will leverage its authorities, responsibilities, and capabilities to lead the national planning agenda for assuring the continuity of commerce and critical maritime activities.

The Coast Guard also operates the nation's only polar icebreakers, which provide U.S. capability to advance national interests in the Polar Regions.

### **Information:**

Achieving Awareness in the Maritime Domain: The nation needs a greater awareness and effective understanding of maritime activity. The Coast Guard will work with the Department of Defense (DoD), U.S. interagency partners, state and local governments, the private sector, and the international community to implement the National Plan to Achieve Maritime Domain Awareness as intended by the National Strategy for Maritime Security (NSMS).

For vessels beyond the U.S. maritime domain, the Coast Guard is working with the International Maritime Organization (IMO) to develop a global Long Range Identification Tracking (LRIT) scheme that will provide information on ships of 300 gross tons and above operating within 1,000 nautical miles of the United States.

### **Infrastructure:**

Developing a national capacity for Marine Transportation System recovery: The nation needs a coordinated, integrated approach to planning for and responding to major disruptions in the MTS. To support the NSMS and its Maritime Infrastructure Recovery Plan (MIRP), the Coast



Guard will leverage its authorities, responsibilities, and capabilities to lead the national planning agenda for assuring the continuity of commerce and critical maritime activities.

The Coast Guard also operates the nation's only polar icebreakers, which provide U.S. capability to advance national interests in the Polar Regions.

### **Physical Geography:**

The increasing complexity and use of the U.S. Exclusive Economic Zone (EEZ): Advances in technology and changing environmental conditions are expanding the use of the Outer Continental Shelf (OCS), the Arctic, and other maritime regions to meet growing demands for commerce, energy, food, resources, and recreation. Growth in activity has increased risks to mariners, communities, and ecosystems, and challenges traditional legal regimes and capabilities for governing the maritime domain.

**The Future of the Arctic:** Scientific evidence indicates that the Arctic ice cap has shrunk by nearly half since the early 1950s, suggesting that an oceanic trade route across the Arctic from the North Atlantic to the North Pacific will eventually become reality. Such a trade route would represent a transformational shift in maritime trade, akin to the opening of the Panama Canal in the early 20th Century. An Arctic marine highway would cut existing oceanic transit by an estimated 5,000 nautical miles or up to one week of sailing time. Further, experts believe that one-quarter, if not more, of the world's oil and natural gas resources may lie in the Arctic, creating significant offshore-energy production opportunities as the ice melts. While transportation and energy developments in the Arctic could be critical to future national interests, the Arctic represents an especially complex and ecologically sensitive oceanic area. Navigation practices and traffic schemes, vessel standards, environmental protection, and enforcement and response capability unique to the environment are just a short list of sovereignty and maritime governance issues that must be addressed.

### **Time:**

**A.2.39    N/A**

## **Overview: Alaska Emergency Response Plan (2004)**

**Lead Department: United States**

### **Joint:**

N/A

### **Interagency:**

"...Federal assistance is intended to support State and local efforts, not to be a substitute for them. The National Response Plan makes this point very clear as a matter of operational policy."

"Federal agencies monitor the situation via the Division of Homeland Security and Emergency Management Daily Situation Report. Certain Federal agencies may also provide the SECC with updated disaster specific information. For example, the National Weather Service produces special reports, regardless of the potential cause of the disaster. If it issues a tsunami warning, the West Coast and Alaska Tsunami Warning Center (WC/ATWC) provides updated reports as the expected wave passes along the Center's array of tidal gauges. If requested to do so by the Commissioner, DMVA, the Alaska National Guard (AKNG), Alaskan Command (ALCOM) and FEMA Region 10 will provide liaisons to the SECC. Depending on the nature of the situation, FEMA Region 10 may activate its Regional Response Coordination Center (RRCC) in Bothell, Washington."

### **Multinational:**

N/A

### **Public:**

"Responsibility for emergency planning and disaster response lies first with individuals and heads of households. This is consistent with Alaska's Constitutional policy of maximum self-government. When individuals and families cannot respond effectively, local chief executives, as designated in local emergency plans, will take charge of local actions to protect lives, property and resources, and prevent terrorist attacks."

### **Political:**

"For responses to oil and hazardous substance releases, the Department of Environmental Conservation, Spill Prevention and Response Division, is the lead State agency and the State responds in accordance with the Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases (aka the "Unified Plan"), and the ten Federal/State Sub-area Contingency Plans for Oil and Hazardous Substance Response."

"Alaska responds to wildland fires in accordance with the Alaska Interagency Fire Management Plan. Under this plan the Department of Natural Resources, Division of Forestry is the lead State agency."

"For contingency planning, Alaska Statute 26.23 specifies that the State shall play an integral part in developing and revising local and inter-jurisdictional disaster planning, and serve each Alaskan political subdivision."

"The Department of Public Safety, Division of Alaska State Troopers leads the State's search and

**Military:**

"The primary organization the State looks to for protection of critical assets, under high or severe threat levels, is the Alaska State Defense Force (ASDF). The ASDF, when directed by the Commissioner, DMVA, will deploy to conduct critical asset protection in accordance with various operations plans, such as "Watchdog", "Pit-bull" and others, published under separate cover. When the physical security requirements exceed ASDF's capabilities, the Commissioner, DMVA may deploy the AKNG."

"As needed, the SECC will request use of Alaska National Guard assets through the National Guard rescue efforts, in accordance with the National Search and Rescue Plan."POMSO."

**Economic:**

None.

**Social:**

**Information:**

COMMUNICATIONS Function. PRIMARY FUNCTIONAL RESPONSIBILITY: DEPARTMENT OF MILITARY AND VETERANS AFFAIRS. PURPOSE: To provide a communications system for receiving and transmitting disaster emergency information.

- Provide technical assistance to the SECC staff.
- Arrange for emergency communications between the SECC, local contacts in the impact area, satellite command centers of other State and private sector organizations, and Federal agencies. Arrange to bring supplemental communications on-line, if directed.
- Provide or arrange technical assistance to local government and other response agencies.
- Activate the Emergency Alert System (EAS) or other communications systems, as needed.
- Provide the SECC Resource Unit information affecting the performance and status of the following emergency communications systems:
  - Long distance telephone service
  - Local phone service in impact area
  - Cell Phone Service
  - Satellite Service
  - Internet Service
  - National Warning System
  - Emergency Alert System
  - In-use back-up radio systems
  - Supplemental communications systems
- Maintain and report status of above systems to interested agencies external to the SECC.
- Provide back-up communications resources, as required.
- Provide the teleconferencing coordination service for DPC, MAC Group and local jurisdiction teleconference, as required.

**Infrastructure:**

"The State has consolidated a prioritized list of critical infrastructure and potential targets. The list is not included in this plan because of its sensitive nature, but is available to individuals and agencies with a legitimate 'need to know.' "

**Physical Geography:**

"This barren, treeless region of rolling tundra lies between the Brooks Range and the Arctic Ocean.

Summer temperatures average 40°F. Winter temperatures which averaging -17°F frequently yield much lower effective temperatures because of high winds. Winter also means 67 days without daylight. In Barrow for example, the sun sets on November 18, and does not rise until January 24. The region is also arid with annual precipitation averaging less than 5 inches. This region contains the North Slope oil fields and the Red Dog Mine (zinc). However, the majority of its sparsely populated coastal plain is inhabited by Alaska Natives who live a traditional subsistence lifestyle of hunting and fishing."

**Time:**

N/A.

## **A.2.40 Overview: Immigration and Refugee Protection Act**

**Lead Department:** Canada Border Safety Agency

### **Joint:**

None.

### **Interagency:**

"4. (1) Except as otherwise provided in this section, the Minister of Citizenship and Immigration is responsible for the administration of this Act.

Designated Minister

(1.1) The Governor in Council may, by order, designate a minister of the Crown as the Minister responsible for all matters under this Act relating to special advocates. If none is designated, the Minister of Justice is responsible for those matters.

Minister of Public Safety and Emergency Preparedness

(2) The Minister of Public Safety and Emergency Preparedness is responsible for the administration of this Act as it relates to

(a) examinations at ports of entry;

(b) the enforcement of this Act, including arrest, detention and removal;

(c) the establishment of policies respecting the enforcement of this Act and inadmissibility on grounds of security, organized criminality or violating human or international rights; or

(d) determinations under any of subsections 34(2), 35(2) and 37(2)."

"Sharing of Information

Regulations

150.1 (1) The regulations may provide for any matter relating to

(a) the collection, retention, use, disclosure and disposal of information for the purposes of this Act or for the purposes of program legislation as defined in section 2 of the Canada Border Services Agency Act; and

(b) the disclosure of information for the purposes of national security, the defence of Canada or the conduct of international affairs, including the implementation of an agreement or

arrangement entered into under section 5 of the Department of Citizenship and Immigration Act or section 13 of the Canada Border Services Agency Act.

#### Conditions

(2) Regulations made under subsection (1) may include conditions under which the collection, retention, use, disposal and disclosure may be made."

#### **Multinational:**

"Procedure

(3) Subject to subsections (3.1), (4) and (6), the Refugee Appeal Division must proceed without a hearing, on the basis of the record of the proceedings of the Refugee Protection Division, and may accept documentary evidence and written submissions from the Minister and the person who is the subject of the appeal and written submissions from a representative or agent of the United Nations High Commissioner for Refugees and any other person described in the rules of the Board."

#### **Public:**

"Exceptions to public hearing

181. (1) An inquiry must be held in public. However, the judge may, on application, take any appropriate measures and make any order that the judge considers necessary to ensure the confidentiality of the inquiry if, after having considered all available alternate measures, the judge is satisfied that there is

(a) a real and substantial risk that matters involving public security will be disclosed;

(b) a real and substantial risk to the fairness of the inquiry such that the need to prevent disclosure outweighs the societal interest that the inquiry be conducted in public; or

(c) a serious possibility that the life, liberty or security of a person will be endangered."

**Political:**

"Powers in place to respond to Immigration Issues

Designated Minister

Section (1.1) The Governor in Council may, by order, designate a minister of the Crown as the Minister responsible for all matters under this Act relating to special advocates. If none is designated, the Minister of Justice is responsible for those matters.

Ministers' warrant

Section 81. The Minister and the Minister of Citizenship and Immigration may issue a warrant for the arrest and detention of a person who is named in a certificate if they have reasonable grounds to believe that the person is a danger to national security or to the safety of any person or is unlikely to appear at a proceeding or for removal. 2001, c. 27, s. 81; 2008, c. 3, s. 4."

**Military:**

None.

**Economic:**

"Objectives — refugees

(2) The objectives of this Act with respect to refugees are:

...(f) to support the self-sufficiency and the social and economic well-being of refugees by facilitating reunification with their family members in Canada"

"Economic immigration

(2) A foreign national may be selected as a member of the economic class on the basis of their ability to become economically established in Canada."

**Social:**

"96. A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,

(a) is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themselves of the protection of each of those countries; or

(b) not having a country of nationality, is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country."

**Information:**

"Sharing of Information

Regulations

150.1 (1) The regulations may provide for any matter relating to

(a) the collection, retention, use, disclosure and disposal of information for the purposes of this Act or for the purposes of program legislation as defined in section 2 of the Canada Border Services Agency Act; and

(b) the disclosure of information for the purposes of national security, the defence of Canada or the conduct of international affairs, including the implementation of an agreement or arrangement entered into under section 5 of the Department of Citizenship and Immigration Act or section 13 of the Canada Border Services Agency Act.

Conditions

(2) Regulations made under subsection (1) may include conditions under which the collection, retention, use, disposal and disclosure may be made."

**Infrastructure:**

None.

**Physical Geography:**

[Claimants for refugee status may be made both within or outside of Canada.]

"Humanitarian and compassionate considerations — request of foreign national

25. (1) The Minister must, on request of a foreign national in Canada who is inadmissible or who does not meet the requirements of this Act, and may, on request of a foreign national outside Canada, examine the circumstances concerning the foreign national and may grant the foreign national permanent resident status or an exemption from any applicable criteria or obligations of this Act if the Minister is of the opinion that it is justified by humanitarian and compassionate considerations relating to the foreign national, taking into account the best interests of a child

**Time:**

N/A.



#### **A.2.41 Overview: Shell Oil Beaufort Sea Contingency Plan**

**Lead Department: Other**

**Joint:**

N/A

**Interagency:**

"1.2.2 External Notification Procedures

Appropriate agency verbal notifications and written reports may include:

- NRC
- MMS
- U.S. Bureau of Land Management
- USFWS
- EPA
- USCG
- U.S. Department of Interior
- U.S. Department of Transportation (DOT)
- ADEC
- AOGCC
- ADF&G
- ADNR
- National Marines Fisheries
- NSB
- Village of Kaktovik
- Village of Nuiqsut
- Village of Barrow"

**Multinational:**

"Tier III Spill: Large spill with potential to require mobilization of all resources listed above for Tier

II, plus additional national or international resources not specified in this C-Plan."

**Public:**

"PUBLIC REVIEW COMMENTS

This section contains the Department's response to written and oral comments submitted during the ACMP consistency review period. All written and oral comments have been carefully considered by the Department. This document does not attempt to respond to each specific comment, but does provide a summary response to key issues raised during the public comment process."

[The plan includes a Public Affairs Officer under ICS that is tasked with informing the public.]

**Political:**

N/A

**Military:**

N/A

**Economic:****Social:****Information:****"1.4.1 Communications Plan**

Effective communication during a spill response requires that all parties understand and use the assigned radio frequencies and telephone numbers. Use of pre-programmed and designated frequencies ensures that emergency communications are established immediately for a response. As spill response efforts grow, additional frequencies and telephone numbers may be added to a complete Communications Plan that is distributed to all parties.

The Communications Unit Leader is responsible for establishing a plan that provides coverage in the field and between the field and a command post. Communication requirements are determined by many factors, the most important of which are the location and nature of the spill response activities, and the number of staff placed in the field. Specific requirements include:

- Communications systems must be self-contained, compact, highly portable, and capable of providing all on-site and off-site communication links for the duration of the response.
- Communication equipment used in the immediate vicinity of spilled or recovered product must be

intrinsically safe (explosion proof).

Field teams will work in close proximity to each other, and generally require only a single tactical communication link operating over a distance of several miles. A repeater radio link would be required to bridge worst-case distances from the field to the staging area and support teams. A description of the state-wide communications plan developed by the crude oil spill cooperatives (ACS, Cook Inlet Spill Response, Inc., Ship Escort Response Vessel System) is provided in Table 1-7. The frequencies noted have been licensed for use state-wide on oil spills. The plan provides for eight fixed very high frequency (VHF) repeaters in each cooperative area of responsibility, and six portable VHF repeaters. The radio plan also provides up to 20 VHF tactical channels and includes VHF marine

channels. The plan has provisions for adding other area-specific channels unique to individual cooperatives or Member Companies and uses exclusively VHF channels in the 150 to 174 megahertz (MHz) band.

The Alaska State-wide Frequency Plan consists of 47 channels, designated OS-29 through OS-76. When referring to these channels, the channel number is always prefixed with the letters "OS." This clarifies the identity of the channel under discussion and minimizes potential confusion that the channel might represent a marine channel or some other internal company channel."

**Infrastructure:**

#### Oil Spill Response Support Vessels

In the event of an oil spill, it is Shell's intent that the primary response for the purposes of the Oil

Discharge Prevention and Contingency Plan (C-Plan) be conducted by the following vessels:

- Nanuq, berthing vessel for the OSRB crew (available for oil spill response after crew augmentation);
- Arctic Endeavor;
- Three 34-foot oil spill response workboats;
- One 47-foot workboat equipped with over-the-side brush skimmer; and
- Oil spill response storage using the oil storage tanker, Affinity, or comparable (70,000 gross metric tons, with a de-rated storage capacity of approximately 513,000 barrels). The oil spill response storage tanker will be positioned between 25 nautical miles (nm) and 300 nm from the drillship while critical drilling activity is underway."

#### **Physical Geography:**

"Actual response and mobilization times will vary depending on a variety of factors, such as weather, personnel safety, and wildlife considerations. During adverse weather conditions that prohibit the transport of equipment, personnel, and other resources to the spill site, spill response will be conducted solely by on-site personnel and equipment."

#### **Time:**

N/A

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## List of symbols/abbreviations/acronyms/initialisms

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CIT	Capability Inventory Tool
CORA	Centre for Operational Research & Analysis
DND	Department of National Defence
DRDC	Defence Research & Development Canada
DRDKIM	Director Research and Development Knowledge and Information Management
IO	International Organization
JIMP	Joint, Interagency, Multinational, Public
MS	Microsoft
NGO	Non-Government Organization
PMESII	Political, Military, Economic, Social, Information, Infrastructure
R&D	Research & Development
SQL	Structured Query Language
US	United States
VBA	Visual Basic for Applications
WoG	Whole of Government

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With the change in Northern climate over the past decade, current policy and media discussions have focused on the future of the Arctic. DRDC CORA has taken on a number of research initiatives, including the development of a Capability Inventory Tool (CIT) to identify and characterize legislation and policy on the Arctic, with a view to developing scenarios for future planning.

This report is an extension of the previous efforts to document the CIT's functions and content. Specifically, this report covers the additional search and filter functions designed to support a greater focus on United States and international references. The report outlines their use, underlying code and the content of the Arctic CIT.

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Arctic; Capability; Database





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